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Report of the Working Group on the Universal Periodic Review*

Swaziland

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Contents

		Page
	Introduction	3
I.	Summary of the proceedings of the review process	3
	A. Presentation by the State under review	3
	B. Interactive dialogue and responses by the State under review	6
II.	Conclusions and/or recommendations	13
Annex		
	Composition of the delegation	26

Introduction

1. The Working Group on the Universal Periodic Review, established in accordance with Human Rights Council resolution 5/1, held its twenty-fifth session from 2 to 13 May 2016. The review of Swaziland was held at the 13th meeting on 10 May 2016. The delegation of Swaziland was headed by Edgar Hillary, Minister of Justice and Constitutional Affairs. At its 20th meeting, held on 13 May 2016, the Working Group adopted the report on Swaziland.

2. On 12 January 2016, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of Swaziland: Côte d'Ivoire, Cuba and United Arab Emirates.

3. In accordance with paragraph 15 of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21, the following documents were issued for the review of Swaziland:

(a) A national report submitted/written presentation made in accordance with paragraph 15 (a) (A/HRC/WG.6/25/SWZ/1);

(b) A compilation prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in accordance with paragraph 15 (b) (A/HRC/WG.6/25/SWZ/2);

(c) A summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/25/SWZ/3).

4. A list of questions prepared in advance by Germany, Liechtenstein, Mexico, Norway, Slovenia, Spain and the United Kingdom of Great Britain and Northern Ireland was transmitted to Swaziland through the troika. These questions are available on the extranet of the universal periodic review.

I. Summary of the proceedings of the review process

A. Presentation by the State under review

5. The Minister of Justice and Constitutional Affairs, Edgar Hillary, introduced the national report of Swaziland and presented it to the Working Group. It was indicated that the Government had introduced a number of measures aimed at safeguarding the lives and livelihoods of the poor and of vulnerable groups while at the same time keeping intact mechanisms to accelerate economic growth and recovery. Innovative programmes that targeted vulnerable groups had been put in place to réctify social imbalances and meet the pre-set targets of the Millennium Development Goals.

6. The delegation noted that the national report had been the result of a process that had involved setting up a multi-stakeholder committee tasked with collecting and collating data, holding consultations and conducting the verification process. That committee was chaired by the Ministry of Justice and included several ministries, academia, and non-governmental and civil society organizations. Following the appointment of the committee, a workshop had been held, facilitated by the Regional Office for Southern Africa of the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the United Nations country team, which had provided an opportunity for stakeholders to reflect on the universal periodic review process and discuss national experiences and progress made with respect to the recommendations.

7. The delegation recalled that the 2005 Constitution established an independent Commission on Human Rights and Public Administration with a mandate to investigate complaints concerning alleged violations of human rights and fundamental freedoms. The delegation provided details regarding the current work of the Commission and progress made to ensure that it had sufficient resources. It noted that the Commission had developed a five-year strategy and was working on the Human Rights and Public Administration Bill 2011 to ensure full adherence to the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), as accreditation by the Global Alliance of National Human Rights Institutions (formerly known as the International Accreditation Committee) was one of its priorities for 2016.

8. The delegation underscored that Swaziland had enacted comprehensive protective legislation for children in 2012 (Child Protection and Welfare Act 2012). That legislation sought to provide protection for children from abuse and to promote their welfare and best interests. Additionally, the Act recognized emerging challenges brought on by a high HIV prevalence, leading to many children being orphaned, and incorporated international instruments on child rights into domestic law.

9. Furthermore, the Government had ensured free primary education for all Swazi children, as enshrined in the Constitution and the Free Primary Education Act, 2012. Even though secondary education was still not free, the Government supported vulnerable children by paying their fees through a grant under the Deputy Prime Minister's portfolio. The delegation provided information on improvements in enrolment rates, indicating that Swaziland was on track to achieve universal primary education as specified by Millennium Development Goal 2.

10. Regarding the promotion of gender equality and the empowerment of women, the delegation noted that, in addition to the ratification of the Convention on the Elimination of Discrimination Against Women, the country had undertaken commitments under a number of other instruments, including the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa. The Deeds Registry Act had been amended in 2012 to give effect to the right of women married in community of property to own land and have it registered in their own names. Additionally, the Sexual Offenses and Domestic Violence Bill seeks to address all forms of sexual violence against women and children. As the previous Parliament had been dissolved in 2013, before the bill had been promulgated into law, the bill had lapsed and the process would be started anew. Nonetheless, the Government was making all efforts necessary to accelerate its enactment by Parliament.

11. Additionally, the Government had made significant strides in policy and legislative reform in addressing the challenges of gender-based violence, as evidenced by the approval of the national gender policy of 2010 and the enactment of the People Trafficking and People Smuggling Act. The delegation noted that, in 2013, the High Court had declared the common-law rule that married women had no capacity to litigate without the assistance of their husbands to be inconsistent with the constitutional right to equality.

12. On the rights of refugees, the delegation indicated that the Ministry of Home Affairs was responsible for protecting refugees and asylum seekers. The Ministry had a refugees department that formed part of a tripartite team, which included the Office of the United Nations High Commissioner for Refugees (UNHCR). Additionally, the Government had drafted a refugees bill, which would give effect in domestic law to the 1951 Convention relating to the Status of Refugees and the 1969 Convention Governing the Specific Aspects of Refugee Problems in Africa. The delegation provided details of measures taken to protect refugees in the country.

13. The delegation noted that the Constitution guaranteed the right to freedom of expression, including the right to a free media, subject to respect for the dignity of others. It also noted the existence of a number of privately owned media outlets and indicated that, in order to liberalize the media space, the Government had enacted the Swaziland Communications Commissions Act. That Act had established a communications commission, which would license community and commercial radio and television stations.

14. The delegation stated that the electoral process and the participation of political parties was governed by section 79 of the Constitution, which had been further interpreted by the Supreme Court in a case decided in 2009. Although the Supreme Court had pronounced that political parties were not allowed to field candidates, members of such parties could participate based on individual merit. The current Parliament, for example, had members who had been elected based on individual merit who were members of political parties.

15. The delegation indicated that the Public Order Act, 1963, which regulated the organization of peaceful assemblies, was under review. The Government had drafted a new public order bill, which would repeal the current Act. The bill would guarantee freedom of peaceful assembly and expression, and provide for, among other things, notification and consultation in respect of public gatherings and regulation of the powers of the police during public gatherings. The bill would also do away with the requirement that organizers of a public meeting or public gathering must obtain a permit from the police. Conveners of meetings or gatherings would still have to give the police prior notice.

16. Since the previous review, progress had also been made towards addressing challenges within the judiciary and enhancing its efficiency. The delegation noted that a legal aid policy had been formulated with the support of United Nations Development Programme and that a legal aid bill, aimed at improving access to justice for the indigent, had been drafted. Moreover, in 2015, the judiciary had recruited four additional high court judges to address the backlog of cases in the courts.

17. The delegation underscored that the Constitution guaranteed the independence of the judiciary, and that the Government respected and upheld that guarantee and did not interfere with judicial officers in the discharge of their functions. It noted that the tenure of judges was secure.

18. The country had made substantial progress in ensuring access to safe drinking water by the population. The proportion of persons with access to safe drinking water had increased from 56.4 per cent in 1997 to 72.4 per cent in 2014. The delegation observed that improvements had been observed in both rural and urban areas. Additionally, as of 2014, the proportion of the population estimated to have access to electricity was 65 per cent.

19. The delegation noted that the Suppression of Terrorism Act was under review. To that end, the Government had drafted the Suppression of Terrorism (Amendment) Bill, 2013. The intention behind the amending the Act was to bring legislation into line with the Constitution and the country's international obligations. A key feature of the amendment would curtail the broad definition of "terrorist act", ensuring that the provision was not unduly applied to activities that were not terrorist acts. The delegation indicated that the bill had been tabled before Parliament under a certificate of urgency and that the legislature had invited the public to make comments on its content.

20. The delegation referred to a number of developments regarding access to health care. It noted that there had been an increase in the number of persons with access to antiretroviral therapy due to the introduction of immediate access to such therapy and treatment for pregnant and breastfeeding mothers. By the end of 2014, there were 125,421 persons on antiretroviral therapy, with 7,906 (6 per cent) of those being children under 14 years of age. With an increase in the number of persons on antiretroviral therapy, a key

priority for the Ministry of Health was to ensure that there was a minimal number of deaths of persons on such therapy. The number of HIV-infected infants born to HIV-positive mothers had continued to decrease, from 16.4 per cent in 2011 to 9.17 per cent in 2014, with a target of 5 per cent in 2018. There had also been an increase in the proportion of children having access to HIV testing as early as six weeks, and the coverage rate had reached 81 per cent. The Government remained committed to financing the procurement of antiretroviral drugs, providing approximately 90 per cent of the budget for such drugs.

21. The delegation highlighted that the response of Swaziland to malaria had been very effective and that the country had been recognized for its leadership and efforts in malaria response by the African Union certification of that it was on track to eliminate malaria by 2018. Moreover, a strategic plan for the period 2015-2020 had been developed to guide the country after it achieved elimination of malaria up until certification by the World Health Organization in 2018 and beyond. The delegation noted that both the incidence and death rates from malaria in the country had dropped significantly as the country drew closer to the elimination of the disease. The delegation then provided detailed information on the main factors and government action that had contributed to that success.

22. In conclusion, the delegation stated that it continued to be committed to its international human rights obligations and was dedicated to ensuring that the human rights of its people were respected. However, the delegation noted that a shortage of personnel and financial resources hindered the compilation and analysis of data, in particular with regard to the preparation of outstanding State party reports, and acknowledged the need for technical assistance in that regard.

B. Interactive dialogue and responses by the State under review

23. During the interactive dialogue, 69 delegations made statements. Recommendations made during the dialogue are to be found in section II of the present report.

24. Uruguay appreciated the ban on the use of corporal punishment as a penalty for minors, as well as the work towards establishing positive discipline methods at the educational and family levels.

25. The Bolivarian Republic of Venezuela noted the free primary education programme. It welcomed the launch of the HIV/AIDS programme and the malaria prevention programme, as well as the efforts to address the problems of gender-based violence through legislative reform.

26. Zimbabwe noted the enactment of the People Trafficking and People Smuggling Act and the Child Protection and Welfare Act. Zimbabwe also noted that free primary education had been introduced in line with the Free Primary Education Act. It urged Swaziland to work to improve its treaty body reporting obligations.

27. Algeria welcomed the measures taken to promote human rights, in particular those relating to the fight against torture, independence of the judiciary, improved access to health, child protection, women's rights and gender equality.

28. Angola welcomed the progress made in the area of health, particularly the reduction in the number of HIV/AIDS cases, especially cases among children, and the fight against malaria, as well as legislative reforms.

29. Argentina welcomed the ratification of the Convention on the Rights of Persons with Disabilities.

30. Armenia appreciated the measures taken to improve transparency in the recruitment of judicial officers. It noted that the enrolment rate at the secondary level was extremely low due to its prohibitive costs, adolescent pregnancy and violence in and around schools.

31. Australia expressed concern about the restrictions placed on the freedoms of association and assembly, the prevalence of violence against women and girls, and the anomalies in nationality laws and their apparent inconsistency with the Constitution, which presented a high risk of statelessness. Australia urged Swaziland to invite the special rapporteurs of the Human Rights Council to visit.

32. Botswana commended Swaziland for the ratification of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, and for training for judicial and law enforcement officials, with an emphasis on the handling of children during court cases. It noted reports of gender inequality, high rates of violence against women and children and incidents involving attacks on and killings of people with albinism.

33. Brazil noted the implementation of the free primary education programme, and the fight against HIV/AIDS. It also noted the challenges still faced, such as discrimination against people with albinism, the rights of children and adolescents, forced labour and freedom of expression and assembly.

34. Burkina Faso urged Swaziland to overcome financial obstacles in the education sector to guarantee without discrimination quality education for all children, ensure better prevention of HIV/AIDS, improve its cooperation with the treaty bodies and provide the National Human Rights Commission with the necessary human and financial resources for it to completely fulfil its mandate.

35. Burundi welcomed the elimination all forms of discrimination against women in law and in practice, and human rights education programmes for the judiciary, law enforcement, penitentiary officials and security forces, as well as measures to combat corruption and to promote the rights to health and education.

36. Cabo Verde noted that Swaziland had acceded to a number of important human rights treaties. It observed that the main challenge faced seemed to relate to the country's capacity to translate international instruments and commitments more expeditiously into domestic law.

37. Canada acknowledged the adoption of the Children's Welfare and Protection Act, calling on the Government to fully implement it and to amend the Marriage Act of 1964 to harmonize the minimum age of marriage at 18 years of age.

38. The Central African Republic welcomed the implementation of the law on sexual and domestic violence. It encouraged further measures to end discriminatory cultural practices through the application of a national policy that ended stigmatization of and discrimination against people living with HIV/AIDS and guaranteed orphans and vulnerable children access to health services and education.

39. Chad took note of the establishment of a human rights commission. It welcomed the ratification by Swaziland of a number of regional and international human rights instruments and measures aimed at prohibiting corporal punishment and protecting children from violence.

40. The Congo welcomed progress made since the first universal periodic review. It noted that Swaziland had established a human rights commission with a mandate to protect and promote human rights, and had ratified a number of international human rights instruments.

41. Côte d'Ivoire welcomed progress made in the implementation of recommendations from the first review. It highlighted legal, institutional and administrative reforms to ensure the promotion and protection of human rights, in accordance with the country's international obligations.

42. Cuba highlighted actions undertaken to improve gender equality and the provision of human rights training to law enforcement and judicial officials. It called on the international community to support Swaziland with regard to the technical assistance and capacity-building needs identified in its national report.

43. Cyprus welcomed the ratification of the Convention on the Rights of Persons with Disabilities and its Optional Protocol, as well as the 2014 extended national strategic framework on HIV/AIDS. It remained concerned about existing gender-based discrimination and violence against women, in particular in rural areas.

44. The Czech Republic warmly welcomed the delegation of Swaziland and the information provided.

45. Denmark noted that Swaziland had accepted recommendations during the first review to ratify the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, and welcomed ongoing efforts in that regard. It asked about prospects for approval of the instrument by Parliament.

46. Djibouti was concerned about constitutional provisions that prevented children born to Swazi women and foreign fathers from obtaining nationality. It welcomed measures to ensure universal primary education but was concerned about social barriers that prevented young pregnant girls from continuing their education after giving birth.

47. Egypt welcomed efforts in the legislative sphere and the ratification of international human rights instruments, such as the Convention on the Rights of Persons with Disabilities and the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, and commended action to combat HIV/AIDS. It urged Swaziland to pursue and strengthen work within the education sector, in particular secondary education.

48. Equatorial Guinea welcomed the establishment of the Human Rights Commission, the policy for the protection of children and initiatives for the promotion of gender equality. It invited the international community to provide technical and capacity-building assistance to Swaziland.

49. Ethiopia expressed appreciation for the enhancement of the legal framework for the protection of human rights, including for the full functioning of the Commission on Human Rights and Public Administration. It encouraged Swaziland to continue implementing policies on education, health and other sectors, leading to environmental sustainability.

50. France took note of measures taken by Swaziland since the first review, notably the ratification of the Convention on the Rights of Persons with Disabilities and the Optional Protocols to the Convention on the Rights of the Child. France asked the delegation to provide information on reforms foreseen to strengthen the independence of the judiciary.

51. Germany expressed concern about the human rights situation, in particular with regard to negative trends in the areas of freedom of expression and freedom of the press. It noted that political parties were still not able to participate in elections.

52. Ghana commended Swaziland for implementing recommendations of the first review, in particular the ratification of some international human rights instruments. It shared the concern of the United Nations country team in Swaziland regarding the high prevalence of HIV/AIDS.

53. Guatemala acknowledged the ratification of various international instruments and the establishment of the Human Rights and Public Administration Commission, which attested to the State's commitment to promoting and protecting human rights.

54. Haiti took note of the second national report of Swaziland and welcomed the ratification of international instruments on the rights of the child and the rights of refugees.

55. Honduras noted with satisfaction the progress that had been achieved by Swaziland in implementing the recommendations received during the first review. It underscored in particular the accession of Swaziland to various human rights instruments such as the Convention on the Rights of Persons with Disabilities and the two Optional Protocols to the Convention on the Rights of the Child.

56. Indonesia welcomed the progress achieved since the first review cycle. It commended the efforts made by Swaziland to promote and protect human rights through, inter alia, the ratification of international human rights instruments, as well as by strengthening education and health programmes.

57. Italy congratulated Swaziland for its measures taken to protect children, such as the adoption of the Child Protection and Welfare Act, and the attention devoted to the health sector. It welcomed the establishment of domestic violence and victim support centres in police stations.

58. Kenya congratulated Swaziland for implementing recommendations received during the first review cycle, noting the establishment of the Human Rights and Public Administration Commission. It also noted the ratification and implementation of several core international and regional human rights instruments.

59. Latvia appreciated the efforts of Swaziland to ensure free primary education, improve the prevention of HIV/AIDS and promote gender equality. It noted that Swaziland had fallen short in ensuring that journalists, political activists and human rights defenders were not hindered in their work.

60. Libya commended the implementation of policies to improve the quality of life of all citizens, the free primary education programme for all school-age children and the programme to combat HIV/AIDS, as well as the provision of antiretroviral therapy to pregnant and breast-feeding women.

61. Madagascar welcomed the strengthening of the legal and institutional framework for the promotion and protection of human rights through several programmes and reforms. It encouraged Swaziland to continue its efforts to undertake other reforms to promote and protect human rights.

62. The delegation then replied to questions sent in advance and issues raised during the dialogue.

63. With regard to human rights violations by the security forces, the delegation stated that, whenever members of the security forces were suspected of perpetrating human rights violations, an inquiry was opened and, when there was evidence that an offence or violation had been committed, members were prosecuted before the courts. The outcomes of inquiries into human rights violations by security forces, such as deaths in custody, had always been made public.

64. With regard to steps taken to align domestic laws with the Convention on the Elimination of All Forms of Discrimination against Women, the delegation stated that Swaziland was considering establishing a law reform commission to conduct research and make recommendations concerning the development and reform of the law. Several laws to fight against discrimination against women already existed, but some inequalities persisted in practice and in certain laws, such as those which foresaw that women's access to

economic resources would be mediated through their husbands. The delegation provided details on existing institutions and policies adopted in that regard.

65. On women's participation in politics, the delegation indicated that Swaziland was developing a national strategy on that issue. It was recalled that the Constitution contained provisions to ensure that women constituted 30 per cent of representatives in Parliament.

66. With regard to early marriage, the delegation recalled that Swaziland had enacted the Child and Protection and Welfare Act, which endeavoured to eliminate all harmful practices and enhance protection of the girl child from such practices, and provided that a woman should not be compelled to undergo or uphold any custom to which she was opposed. The delegation also highlighted that the Constitution guaranteed equal treatment of men and women, and the rights of married women, abolishing the practice of inheritance through the system of patriarchy.

67. With regard to questions on how Swaziland had followed up on the implementation of accepted universal periodic review recommendations, the delegation indicated that, immediately after the previous review, an interministerial committee had been set up to address implementation of those recommendations, among other things. Details regarding its functioning were provided. The delegation indicated that Swaziland was seeking the assistance of the international community in the implementation of a fully fledged secretariat under the Ministry of Justice and Constitutional Affairs to coordinate the activities of that committee.

68. On sexual minorities, the delegation stated that Swaziland did not deny access to services based on an individual's sexual orientation. The delegation indicated that, though there would be no efforts at the present stage to decriminalize same-sex relations, Swaziland did not prosecute anyone for engaging in consensual same-sex relations.

69. With regard to the issue of stigmatization of persons living with HIV, the delegation indicated that both the national multisectoral strategic framework for the period 2014-2018 and the Code of Good Practice on Industrial Relations addressed the issue of discrimination, along with other issues.

70. Regarding the juvenile justice system, the delegation indicated that child-friendly courts had been established in three of the country's regions. It provided details on their procedures and on provisions in the Child and Protection and Welfare Act aimed at protecting children during proceedings.

71. On overcrowding in prisons, the delegation stated that this was a general international problem and that Swaziland had made every effort to ensure that the living standards of prisoners in Swaziland were of high quality.

72. On education, it was highlighted that, despite its small economy, Swaziland paid for tertiary education, which many countries did not. However, once people had completed their education and were employed, they were required to reimburse a part of the amount paid by the State.

73. Malaysia noted the new legislation enabling women to own property and addressing domestic violence against women and children. Malaysia welcomed the adoption of a comprehensive framework on HIV and AIDS and noted the increased enrolment of children in schools.

74. Maldives welcomed the 2012 Child Protection and Welfare Act, which focused on prevention of abuse and on universal primary education. It recognized progress made by Swaziland in ensuring access to safe drinking water for its people.

75. Mali welcomed the ratification of several international and regional human rights instruments, particularly those concerning children. It noted the strategy to eradicate malaria in 2015 and significant progress in ensuring free primary education and increased access to antiretroviral drugs to treat HIV/AIDS.

76. Mauritania welcomed the poverty eradication policy and the universal free primary education programme. It noted the significant progress achieved in ratifying human rights instruments and encouraged Swaziland to continue efforts to bring national legislation into line with its international human rights obligations.

77. Mauritius welcomed the ratification of several conventions and protocols and progress made in fulfilling reporting obligations. It congratulated Swaziland for nearly eliminating malaria and taking positive steps towards the prevention of HIV and AIDS.

78. Mexico welcomed the revision of legislation to recognize women's rights to access, register and own land. It considered highly positive the abolition of corporal punishment against children in the Child Protection and Welfare Act and urged Swaziland to continue efforts to abolish it in all areas.

79. Montenegro asked about steps undertaken to prevent and eliminate abuse and sexual violence against girls in schools and ensure that perpetrators were punished. It also requested information about legal measures taken to eliminate child, early and forced marriage and to eliminate polygamy.

80. Morocco welcomed the ratification of the Convention on the Rights of Persons with Disabilities and the United Nations Convention against Transnational Organized Crime, and congratulated Swaziland on achievements towards fulfilling Millennium Development Goal 2 on primary education. It encouraged Swaziland to consolidate its efforts on judicial reform and the fight against corruption.

81. Mozambique warmly welcomed new laws and institutions leading towards the achievement of Millennium Development Goal 2 on primary education, eliminating malaria and increasing access to safe drinking water. It appealed to the international community to provide technical assistance and capacity-building for Swaziland.

82. Namibia commended the provision of small financial grants to older persons and efforts to improve the lives of women with disabilities and widows, and was pleased to take note of the adoption of the extended national strategic framework on HIV/AIDS for the period 2014-2018.

83. The Netherlands commended the strong commitment to ending HIV/AIDS and welcomed commitments made in the previous review cycle. Nonetheless, it expressed concern that insufficient steps had been taken relating to civil society space and the prosecution of human rights violations.

84. The Niger welcomed the ratification of the Convention on the Rights of Persons with Disabilities and its Optional Protocol. It noted with satisfaction the legislation giving effect to women's rights to register and own land and addressing sexual and domestic violence, as well as the national multisectoral strategic framework for HIV and AIDS for the period 2009-2014.

85. Nigeria commended broad consultations with stakeholders on the review process and the establishment of new institutional frameworks to promote human rights, as well as the ratification of a number of human rights instruments and measures on HIV/AIDS.

86. Norway expressed concern about reports of continued harassment and persecution of political opponents and human rights defenders, challenges faced by trade union confederations in obtaining registration, severe restrictions on political groupings, forceful disruptions of peaceful gatherings and lack of legal protection of women victims of abuse.

87. Pakistan expressed appreciation for efforts made by Swaziland to implement recommendations from the first review cycle. It noted positively the new institutional framework to promote human rights and commended the ratification of international human rights instruments.

88. Panama welcomed the adoption of the Child Welfare and Protection Act and the implementation of programmes to provide free education, combat HIV/AIDS and malaria, promote gender equality, and eradicate poverty. It encouraged Swaziland to seek technical assistance from OHCHR.

89. The Philippines commended Swaziland for the establishment of the Human Rights Commission. It was concerned about the continuing lack of safe drinking water and persistent poverty. It urged Swaziland to address concerns about the lack of access to education for both boys and girls.

90. Portugal congratulated Swaziland on the ratification of several key human rights instruments since the first review. It was concerned about reports of restrictions on freedom of expression in Swaziland.

91. The Republic of Korea noted progress since the first review, in particular the ratification of the Convention on the Rights of Persons with Disabilities, the enactment of the Child Welfare and Protection Act and the implementation of the free primary education programme.

92. Senegal noted the ratification of several international human rights instruments and welcomed the decision to strengthen the resources of the Commission on Human Rights. It invited the international community to provide technical and financial assistance to Swaziland for the implementation of the recommendations.

93. Sierra Leone noted with satisfaction that a de facto moratorium on executions had been in place for over a decade and urged Swaziland to consider abolishing the practice. It also urged the country to establish awareness-raising campaigns concerning the rights of persons with albinism.

94. Slovenia noted the ratification of some key human rights instruments since the first review, but regretted that Swaziland had decided not to ratify the Rome Statute of the International Criminal Court after accepting its recommendation in the first review to do so.

95. South Africa commended Swaziland for the ratification of key human rights instruments, the creation of key human rights institutions and the elevation of the Gender and Family Issues Unit to part of the Office of the Deputy Prime Minster.

96. Spain welcomed the advances made by Swaziland in the fields of education and health, in particular the plans for combating HIV/AIDS and the expansion of health facilities. It also welcomed the existence of a national plan on gender.

97. The Sudan applauded the efforts made by Swaziland to strengthen the protection of human rights in fields such as elections and combating HIV/AIDS, as well as its recent ratification of a large number of international human rights instruments.

98. Togo highly appreciated the engagement of Swaziland with civil society on human rights. It took note of the determination of Swaziland to submit reports to the treaty bodies. It welcomed the recent ratifications and the Sexual Offences and Domestic Violence Bill.

99. Turkey noted the efforts by Swaziland since the first review, including the ratification of human rights instruments. It appreciated the efforts in the fields of health and primary education. It encouraged the Government to strengthen efforts for the protection and promotion of women's rights.

100. Uganda commended the efforts of Swaziland and urged it to expedite implementation of the previous recommendations regarding the national human rights action plan and its capacity to report to the treaty bodies. It noted that women were often subject to discrimination and harmful practices.

101. Ukraine noted the efforts of Swaziland since the first review, particularly the ratification of several instruments. It observed that many significant challenges remained in the areas of violence against women and children, health care and torture and ill-treatment.

102. The United Kingdom encouraged the Government, inter alia, to ensure that the rights to freedom of association and assembly were protected and to amend legislation to ensure that the Basic Principles on the Independence of the Judiciary were adhered to.

103. The United States of America was deeply concerned about the suppression of the exercise of freedom of association and peaceful assembly. It looked forward to additional reforms relating to trade unions to allow full enjoyment of the right to freedom of association and the right to collective bargaining.

104. The delegation clarified, with regard to the issue of migrant labour, that Swaziland did not have a problem with migrant labour. However, some persons who had originally applied for refugee status had subsequently decided to stay and work in the country.

105. With regard to discrimination against persons with albinism, the delegation recalled that the Constitution guaranteed the principle of non-discrimination and that Swaziland was an inclusive society. The delegation indicated that an incident had occurred in 2010 and that, in response, the Prime Minister had issued a statement condemning the attack and assuring Swazi society of the protection of persons with albinism. The Government was collecting data so as to develop a response to protect persons from that group. It had also been in contact with the Independent Expert on the enjoyment of human rights by persons with albinism to invite her to visit the country and would welcome international assistance on that issue.

106. In conclusion, the delegation expressed appreciation for the manner in which the session had been conducted, as well as its gratitude to the member States for their interventions.

II. Conclusions and/or recommendations**

107. **The recommendations formulated during the interactive dialogue/listed below have been examined by Swaziland and enjoy the support of Swaziland:**

107.1 **Undertake reforms with a view to bringing national legislation in line with ratified international human rights instruments (Guatemala);**

107.2 **Undertake a comprehensive reform to harmonize its domestic legal system with its Constitution and the international instruments to which it is party (Honduras);**

107.3 **Revise national legislation with a view to ensuring its conformity with the Constitution and with the international human rights obligations of Swaziland (Egypt);**

** The conclusions and recommendations have not been edited.

107.4 Pursue efforts to ensure the smooth functioning and full independence of the Human Rights Commission, in conformity with the Paris Principles (France);

107.5 Strengthen the structures of the human rights commission in order to bring it to full compliance with the Paris Principles and operationalize the anti-corruption commission (Morocco);

107.6 Adopt appropriate legislation to render the Commission of human rights and public administration (HRPAC) fully operational, as well as to strengthen its capacities, and to allocate the necessary financial resources so that it is in full compliance with the Paris Principles as a national human rights institution (Mauritania);

107.7 Provide necessary budgetary and trained human resources to the Commission on Human Rights and Public Administration to empower it to carry out its mandate of advocacy and protection of human rights (Mauritius);

107.8 Strengthen national institutions established to protect democracy and human rights and fight corruption (Sudan);

107.9 Strengthen the programmes of the national policy for childhood (Sudan);

107.10 Expedite implementation of the National Disaster Management Act (Maldives);

107.11 Strengthen the National Disaster Management Authority in the country (South Africa);

107.12 Reinforce its campaign to raise awareness of human rights issues through the media, at the school level, in youth forums and in community activities (Mauritius);

107.13 Establish a national strategy for human rights education and training (Morocco);

107.14 Continue working to ensure that human rights training is carried out more systematically and made available to all relevant interested parties, including the army and prison staff (Cuba);

107.15 Consider establishing a permanent interministerial committee responsible for the implementation of its international human rights obligations, inter alia, for coordinating the drafting of the national reports to the treaty bodies and for organizing country visits by the Council's special procedures (Portugal);

107.16 Work in close collaboration with civil society organizations so as to implement all of the recommendations accepted during the universal periodic review (Haiti);

107.17 Submit overdue reports to treaty bodies (Ghana);

107.18 Submit overdue reports to the relevant treaty bodies (Sierra Leone);

107.19 Submit its report to the Human Rights Committee (Kenya);

107.20 Take all necessary measures to end discrimination and violence against women and girls (Cyprus);

107.21 **Step up work to combat stigmatization, discrimination, inequality and gender-based violence in the national legislation and policy of Swaziland (Mexico);**

107.22 **Implement strategies in combating gender inequality, as well as discriminatory practices against women, and strengthen the Gender and Family Issues Unit within the Office of the Deputy Prime Minister in both human and financial terms (Turkey);**

107.23 **Continue to promote women empowerment (Pakistan);**

107.24 **Work further to promote the rights of women and girls (Senegal);**

107.25 **Abolish laws and practices that encourage discrimination and violence against women and girls (Panama);**

107.26 **Carry out reforms to ensure equality for women and prevent their discrimination in law and practice (Uganda);**

107.27 **Adopt a broad definition of discrimination against women in line with the Convention on the Elimination of All Forms of Discrimination against Women (Honduras);**

107.28 **Continue efforts in implementing the Convention on the Elimination of Discrimination against Women and to align all laws and policies with the principles of gender equality and non-discrimination as set out in the Convention on the Elimination of All Forms of Discrimination against Women (Indonesia);**

107.29 **Take action to align all laws and policies with the principle of equality and non-discrimination as stated in the Constitution and in accordance with Convention on the Elimination of All Forms of Discrimination against Women (Uganda);**

107.30 **Enact legislation to protect equality of rights for women in line with the Convention on the Elimination of All Forms of Discrimination against Women (United Kingdom of Great Britain and Northern Ireland);**

107.31 **Abrogate the domestic legislative and regulatory provisions that discriminate against women and children (Ukraine);**

107.32 **Strengthen legislation and policies on gender equality as well as the prevention and repression of gender-based violence (Côte d'Ivoire);**

107.33 **Take legal and practical measures that guarantee women equality in the acquisition of land, in access to the means of production and in political representation (Spain);**

107.34 **Take necessary steps to prevent torture and other human rights violations by law enforcement and security services, in accordance with Swaziland's obligations under the Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment, including by ensuring impartial investigations of all allegations, prosecuting perpetrators, and implementing human rights training programs (Canada);**

107.35 **Combat various forms of violence against women (Egypt);**

107.36 **Enact into law the "Sexual Offences and Domestic Violence Bill" without further delay (Germany);**

107.37 Take the measures necessary to accelerate the enactment of the bill on sexual offences and domestic violence (Panama);

107.38 Urgently enact the Sexual Offences and Domestic Violence Bill, and ensure that all domestic legislation is brought into conformity with the country's commitments under the Convention on the Elimination of All Forms of Discrimination against Women (Norway);

107.39 Accelerate the Parliamentary adoption procedure of the reform Sexual Offences and Domestic Violence Bill (Togo);

107.40 Quickly pass pending legislation related to the protection of women and children including the Sexual Offences and Domestic Violence Bill and the Draft Land Policy (United States of America);

107.41 Adopt the Sexual Offences and Domestic Violence Bill especially to protect women from gender-based violence (Namibia);

107.42 Enact and implement laws on sexual offences and violence to address high rates of sexual and gender-based violence (Botswana);

107.43 Adopt measures to prevent and eliminate all abuses of sexual violence against girls and women and ensure that perpetrators are adequately punished (Turkey);

107.44 Adopt a new comprehensive legislation to prevent and combat all forms of discrimination and violence against women (Italy);

107.45 Encourage reporting of cases of domestic and sexual violence against women and girls, and ensure that complaints are investigated and the perpetrators are punished with penalties proportional to the seriousness of the offence, ending the culture of impunity (Uruguay);

107.46 Strengthen policies on violence against women by means of effective complaint mechanisms and legal and social counselling (Brazil);

107.47 Apply effectively all protection measures provided for in the Law on the Welfare and Protection of Children (Cabo Verde);

107.48 Take concrete measures towards protecting children from sexual exploitation, including violence against girls with albinism, through law enforcement and appropriate sanctions, and active awareness campaigns and partnerships with local communities to combat impunity (Malaysia);

107.49 Strengthen constitutional protections that ensure the independence of the judiciary and Parliament (South Africa);

107.50 Intensify the reform of the judicial system, in particular the plan of access to justice and its independence and impartiality (Cabo Verde);

107.51 Take effective measures to guarantee the impartiality and independence of the judiciary, in accordance with Swaziland's international commitments and obligations, including the United Nations Basic Principles on the Independence of the Judiciary and the International Covenant on Civil and Political Rights (Canada);

107.52 Adopt measures to safeguard the independence of the judiciary in line with the provisions of the United Nations Basic Principles on the Independence of the Judiciary (Mexico);

107.53 **Strengthen the independence of the judiciary in line with the United Nations Basic Principles on the Independence of the Judiciary (Czech Republic);**

107.54 **Ensure the functioning juvenile justice system throughout the country and raise the age of criminal responsibility that comply with the acceptable international standards, as previously recommended (Slovenia);**[1]

107.55 **Strengthen the right to freedom of expression and peaceful assembly (Algeria);**

107.56 **Review the Suppression of Terrorism Act and Sedition and Subversive Activities Act so that they do not impede the right to freedom of expression as guaranteed under the International Covenant on Civil and Political Rights and are fully aligned with the Constitution of Swaziland and contain safeguards against any arbitrary abuse directed against dissent or criticism of the authorities or the Government (Czech Republic);**

107.57 **Amend the Suppression of Terrorism Act of 2008 and the Sedition and Subversive Activities Act of 1938 to guarantee the freedoms of expression, association and assembly (Spain);**

107.58 **Ensure that freedoms of association and peaceful assembly are respected and protected, including by repealing or amending the Suppression of Terrorism Act of 2008 and the Public Order Act (United States of America);**

107.59 **Guarantee freedom of peaceful assembly and association by implementing the new Public Order Bill (Haiti);**

107.60 **Align national legislation with the international standards to guarantee freedom of assembly and association; in particular as regards the notification of the organization of peaceful assemblies (Kenya);**

107.61 **Ensure the compatibility of national legislation with international human rights standards in order to guarantee freedom of assembly and association (Ukraine);**

107.62 **Continue to promote its successful policies, mainly in the field of economic, social and cultural rights, in order to further increase the quality of life of its people, particularly the most vulnerable sectors of the population (Bolivarian Republic of Venezuela);**

107.63 **Continue to take actions to eradicate poverty and reduce the disparities between rural and urban communities through providing the basic necessities, quality education, health services, and the creation of jobs and income-generating opportunities for all (Malaysia);**

107.64 **Significantly increase spending for potable water supply and sanitation projects, especially in rural areas, up to a value close to 0.5. per cent of gross domestic product (Spain);**

107.65 **Step up the fight against communicable and non-communicable diseases, with a view to lowering the particularly high mortality rate (Congo);**

[1] The recommendation as read during the interactive dialogue: "Reiterate recommendation 76.38 from the first cycle" (Slovenia).

107.66 Strengthen measures to prevent and reduce the prevalence of HIV/AIDS (Angola);

107.67 Redouble its efforts on HIV/AIDS response, particularly on prevention strategies, and take steps to address discrimination against persons living with HIV/AIDS (Ghana);

107.68 Continue efforts to combat HIV/AIDS through the National Parliament Strategy on HIV/AIDS for 2016-2021 (Libya);

107.69 Continue to implement the adopted HIV/AIDS response strategies, with a view to further reducing new infections (Turkey);

107.70 Expedite the implementation of the Extended National Strategic Framework on HIV/AIDS that was adopted in 2014 (Uganda);

107.71 Provide follow-up to the expanded strategic framework for national action against HIV/AIDS (Equatorial Guinea);

107.72 Further intensify efforts in fighting HIV/AIDS (Ukraine);

107.73 Give emphasis on allocating adequate National Funding for the response of the HIV/AIDS problems to implement all required actions in the country (Ethiopia);

107.74 Pursue national efforts to reduce the rate of maternal and infant mortality (Egypt);

107.75 Step up efforts to pursue the right to education for all, particularly in the realization of the right to education for girls (Indonesia);

107.76 Continue to provide access to education to children (Pakistan);

107.77 Continue to implement measures to improve and facilitate access to education (Angola);

107.78 Take the necessary steps to improve access to education at all levels (Armenia);

107.79 Redouble efforts for the full realization of the "Education for All" policy (Burundi);

107.80 Improve school enrolment rates by removing all obstacles to access to primary education (Congo);

107.81 Further continue efforts to remove all barriers to access primary education (Ethiopia);

107.82 Overcome the challenges and constraints in the free primary education programme, particularly the social factors that limit enrolment for primary education and shortage of appropriately qualified teachers (Nigeria);

107.83 Give priority to the objective of attaining an inclusive and equitable education system that affords all citizens of the country access to high quality free primary education (Cuba);

107.84 Eliminate factors preventing boys and girls from enjoying secondary school education and reduce the dropout of school rate (Turkey);

107.85 Strengthen the framework of the "Support Program for Teaching and Learning" to reduce inequalities between rural and urban areas (Equatorial Guinea);

107.86 Put in place protection measures that would allow the reintegration of teenagers into the education system after having given birth (Djibouti);

107.87 Continue to promote its successful programmes to implement the Convention on the Rights of Persons with Disabilities (Bolivarian Republic of Venezuela);

107.88 Put in place relevant laws that prohibit discrimination in employment against persons with disabilities and provide access to health care and other services for disabled persons (Uganda).

108. The following enjoy the support of Swaziland, which considers that they are already implemented or in the process of implementation:

108.1 Ratify the Convention on the Elimination of All Forms of Discrimination against Women (Kenya);

108.2 Accelerate the process of ratifying the Convention against Torture through its legislature (Nigeria);

108.3 Continue to strengthen the rights of women, particularly in relation to the equal pay issue (Sudan);

108.4 Prohibit discrimination on the basis of sexual orientation and gender identity, particularly concerning the enjoyment of the right to health (Slovenia);

108.5 Ensure and guarantee non-discriminatory access to health services, education, justice and employment for all persons, irrespective of their actual or perceived sexual orientation or gender identity (Spain);

108.6 Repeal or amend the Suppression of Terrorism Act of 2008 with a view to bringing it in line with international human rights obligations (Germany);

108.7 Take urgent steps to bring the Suppression of Terrorism Act 2008 in line with the Constitution (United Kingdom of Great Britain and Northern Ireland).

109 The following recommendations will be examined by Swaziland, which will provide responses in due time, but no later than the thirty-third session of the Human Rights Council, in September 2016:

109.1 Consider ratifying the human rights conventions that the country has not yet acceded to (Côte d'Ivoire);

109.2 Consider ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, with a view to a de jure abolishing of the death penalty (Namibia);

109.3 Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Uruguay); ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights (Germany);

109.4 Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Montenegro);

109.5 **Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights and abolish the death penalty (Panama);**

109.6 **Establish a formal moratorium on the death penalty and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, with a view to abolishing the death penalty both in practice and in law (Portugal);**

109.7 **Undertake all the necessary legislative and Constitutional reforms to abolish the death penalty and accede to the Second Optional Protocol to the International Covenant on Civil and Political Rights (Mexico);**

109.8 **Establish a formal moratorium on the death penalty with a view to abolishing the death penalty and ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Australia);**

109.9 **Sign and ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (Turkey);**

109.10 **Accede to the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (Togo);**

109.11 **Consider ratifying the Optional Protocols to the Convention against Torture, Convention on the Elimination of Discrimination against Women and the Convention on the Rights of the Child (Philippines);**

109.12 **Ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (South Africa);**

109.13 **Ratify the Optional Protocol to the Convention against Torture (Kenya); ratify the Optional Protocol to the Convention against Torture (Uruguay); ratify the Optional Protocol to the Convention against Torture (Honduras); ratify the Optional Protocol to the Convention against Torture (Guatemala); ratify the Optional Protocol to the Convention against Torture (Czech Republic); ratify the Optional Protocol to the Convention against Torture (South Africa); ratify the Optional Protocol to the Convention against Torture (Slovenia);**

109.14 **Intensify its efforts to ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Denmark);**

109.15 **Accede to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Togo); accede to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (France);**

109.16 **Consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (Philippines);**

109.17 **Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Guatemala); ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Uruguay); ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Honduras); ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their**

Families (Cabo Verde); ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (Congo);

109.18 **Accede to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Indonesia);**

109.19 **Ratify and accede to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Sierra Leone);**

109.20 **Accede to regional and international treaties to which it is not party, including the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the International Convention for the Protection of All Persons from Enforced Disappearance, and include the provisions of these instruments in its domestic legislation (Madagascar);**

109.21 **Ratify and accede to the International Convention for the Protection of All Persons from Enforced Disappearance (Sierra Leone);**

109.22 **Continue to accede to the main international human rights instruments to which it is not yet a party, in particular the International Convention for the Protection of All Persons from Enforced Disappearance (Argentina);**

109.23 **Ratify the International Convention for the Protection of All Persons from Enforced Disappearance, signed in 2007 (France);**

109.24 **Ratify the International Convention for the Protection of All Persons from Enforced Disappearance (Cabo Verde); ratify the International Convention for the Protection of All Persons from Enforced Disappearance (Honduras);**

109.25 **Accede to the International Convention for the Protection of All Persons from Enforced Disappearance (Nigeria);**

109.26 **Accede to the Convention on the Prevention and Punishment of the Crime of Genocide (Armenia);**

109.27 **Ratify the Indigenous and Tribal Peoples Convention, 1989 (No. 169) of ILO (Honduras);**

109.28 **Repeal discriminatory provisions in the Constitution and Citizenship Acts (Ghana);**

109.29 **Take new measures to put an end to cultural practices that discriminate against children with disabilities, women and all persons living with HIV/AIDS (Haiti);**

109.30 **Repeal without delay all legal and regulatory provisions that are not in conformity with the Convention on the Elimination of All Forms of Discrimination against Women, ratified by Swaziland in 2004, and actively combat violence and discrimination against women (France);**

109.31 **Align national laws in accordance with the principles outlined in the Convention on the Elimination of All Forms of Discrimination against Women to address women's rights, which include land acquisition, equality and citizenship of children (Botswana);**

109.32 **Enact legislation to ensure the ability of all Swazi citizens, regardless of their sex, to confer citizenship upon their children (Australia);**

109.33 Consider amending its domestic laws to grant women equal rights with men with regard to transmission of their nationality to their children (Republic of Korea);

109.34 Modify articles 43 and 44 of the Constitution so that Swazi women, in the same way as men, can transmit their nationality to their children and their foreign spouses (Djibouti);

109.35 Modify its national laws to ensure that mothers can pass on nationality to their offspring regardless of the nationality of the father (Sierra Leone);

109.36 Amend legislation that denies Swazi citizenship to children born of foreign fathers (Honduras);

109.37 Abolish the death penalty, as previously recommended (Slovenia);

109.38 Formally establish a moratorium on the application of the death penalty, as a first step towards its definitive abolition (France);

109.39 Consider establishing a de jure moratorium on capital executions with a view to fully abolishing the death penalty (Italy);

109.40 Create a national registry of persons with albinism to prevent the killing of women and girls with albinism that are used for rituals (Uruguay);

109.41 Prohibit traditional practices that endanger the physical and psychological integrity of women, such as those affecting women and girls with albinism (Argentina);

109.42 Protect persons with albinism against ritual crimes more effectively (Senegal);

109.43 Thoroughly investigate and prosecute incidents of violence perpetuated against persons with albinism (Sierra Leone);

109.44 Adopt measures for providing protection to women and girls with albinism, including by effectively investigating all instances of violence against them, and by prosecuting and punishing the perpetrators appropriately (Slovenia);

109.45 Adopt specific legislation criminalizing torture (Brazil);

109.46 Criminalize torture and ensure impartial and effective investigations related to allegations of torture and punish the perpetrators of acts of torture (Togo);

109.47 Implement measures to improve prison conditions (Angola);

109.48 Take immediate and effective measures to bring conditions at all detention facilities into line with the United Nations Standard Minimum Rules for the Treatment of Prisoners (Canada);

109.49 Take immediate action to align all domestic laws and pending legislation with the Convention on the Elimination of All Forms of Discrimination against Women, adopt without further delay the Bill on Sexual Offences and Domestic violence, and take all necessary measures to abolish traditional practices that are harmful to women and girls (Latvia);

109.50 Strengthen measures to combat gender-based violence and gender inequality in practice, motivated by discriminatory traditional practices (Algeria);

109.51 Enact legislation to ensure women and girls' rights are protected, including legislation banning early and forced marriages (Australia);

109.52 Ban early and/or forced marriages (Chad);

109.53 Take effective legal steps to eliminate child and forced marriage (Ghana);

109.54 Take concrete measures to prohibit and eliminate child or forced marriage (Panama);

109.55 Take action to ensure that the legal age of marriage of 18 years is enforced nationwide for both boys and girls (Maldives);

109.56 Raise the legal minimum age of marriage to 18 years for girls (Sierra Leone);

109.57 Protect girls from early or forced marriage both in law and in practice (Spain);

109.58 Take appropriate measures to prohibit corporal punishment in all settings (Montenegro);

109.59 Take the necessary steps to combat and eradicate forced labour (Honduras);

109.60 Amend laws and regulations governing the Judicial Service Commission, including by removing the Crown's control over the Commission's composition (United States of America);

109.61 Guarantee respect for civil and political rights, in particular freedom of expression and freedom of association, and take the necessary measures so that journalists, human rights defenders and members of all political parties can exercise their activities freely (France);

109.62 Remove all restrictions, in law and practice, which prevent the full enjoyment of the right to freedom of expression, association and assembly, and create an enabling environment for civil society in line with its previous universal periodic review engagements (Latvia);

109.63 Ensure unhindered enjoyment of the right to freedom of expression and an enabling environment, where members of civil society are not prohibited from exercising their rights to freedom of peaceful assembly and association, in accordance with the principles of democracy (this is also in line with international obligations under the International Covenant on Civil and Political Rights, as well as the undertaking made in the 2011 universal periodic review) (Netherlands);

109.64 Fully implement its constitutional provision on freedom of expression and establish a freedom of information law in accordance with international standards (Portugal);

109.65 Remove, in legislation and in practice, all restrictions preventing the full enjoyment of freedom of expression as guaranteed under the International Covenant on Civil and Political Rights and other international documents (Ukraine);

109.66 Repeal laws that restrict civil rights, including the Royal Decree of 1973 and components of the Suppression of Terrorism Act, and develop a legislative framework to protect the rights to freedom of expression, association

and peaceful assembly, including rights related to forming and participating in political parties and civil society organizations (Canada);

109.67 **Adopt all necessary measures to remove the restrictions which prevent the full enjoyment of the right to freedom of expression and association and to amend the "Suppression of Terrorism Act" of 2008 and other relevant legislation in line with international standards (Italy);**

109.68 **Reform the Terrorism Act of 2008 and other security legislation which affect the freedom of expression, association and information, with a view to guaranteeing the full enjoyment of civil and political rights and their conformity with international standards (Mexico);**

109.69 **Fully respect the rights of all citizens to freedom of assembly and association, including by allowing labour, political and civil groups to assemble peacefully, free from Government interference in accordance with international human rights standards (Republic of Korea);**

109.70 **Remove all restrictions, in law and in practice, which prevent the full enjoyment of the right to freedom of association, including associating for the purposes of contesting political power, as guaranteed under the International Covenant on Civil and Political Rights, including by revoking the Royal Decree of 1973 (Norway);**

109.71 **Revise the Constitution, in particular its section 79, and other laws and policies, as necessary, in order to allow the forming of political parties and facilitate and encourage all forms of citizens' participation in political and public life as guaranteed under the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights (Czech Republic);**

109.72 **Enact legislation enabling political parties to register and contest elections (Australia).**

110. **The recommendations below did not enjoy the support of Swaziland and would thus be noted:**

110.1 **Ratify the Rome Statute of the International Criminal Court (Honduras); ratify the Rome Statute of the International Criminal Court (Czech Republic);**

110.2 **Ratify the Rome Statute of the International Criminal Court (Cyprus);**

110.3 **Ratify the Rome Statute of the International Criminal Court and cooperate fully with that Court (Guatemala);**

110.4 **Accede to regional and international treaties to which it is not party, including the Rome Statute of the International Criminal Court, and include the provisions of these instruments in its domestic legislation (Madagascar);**

110.5 **Accede to the Rome Statute of the International Criminal Court (Italy); accede to the Rome Statute of the International Criminal Court (France);**

110.6 **Accede to and align its national legislation with the Rome Statute of the International Criminal Court and the Agreement on the Privileges and Immunities of the International Criminal Court, including incorporating provisions to cooperate promptly and fully with the International Criminal**

Court, and investigate and prosecute genocide, crimes against humanity and war crimes effectively before its national courts (Netherlands);

110.7 **Issue a standing invitation to all special procedures (Ghana);**

110.8 **Extend a standing invitation to the United Nations special procedures (Kenya);**

110.9 **Extend a standing invitation to the mandate holders of all special procedures of the Human Rights Council (Republic of Korea);**

110.10 **Extend a standing invitation to all special procedure mandate holders (Latvia);**

110.11 **Address a standing invitation to the special procedures of the Human Rights Council (Madagascar);**

110.12 **Cooperate with the special procedures mandate holders (Chad);**

110.13 **Decriminalize same-sex relations (Slovenia);**

110.14 **Withdraw all criminal charges brought against human rights defenders and political opponents under laws such as the Suppression of Terrorism Act of 2008 and other security legislation, and ensure that proposed amendments to these acts bring them in conformity with international human rights standards (Norway).**

111. **All conclusions and/or recommendations contained in the present report reflect the position of the submitting State(s) and/or the State under review. They should not be construed as endorsed by the Working Group as a whole.**

Annex

Composition of the delegation

The delegation of Swaziland was headed by the Hon. Mr. Edgar Hillary, Minister of Justice and Constitutional Affairs, and composed of the following members:

- H.E. Njabuliso B. Gwebu, Ambassador and Permanent Representative
- Mr. Marwick T. Khumalo; Member of Parliament
- Ms. Lorraine Hlophe; Principal Secretary
- Mr. Sabelo Masuku; Acting Commissioner of Human Rights and Public Administration
- Mr. Mndeni Vilakati, Principal Crown Counsel
- Mr. Bonginkosi Sengwayo, Crown Counsel
- Mr. Mahlaba A. Mamba; Counsellor and Deputy Permanent Representative
- Mr. Alton Lukhele; First Secretary.

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Universal periodic review

Report of the Working Group on the Universal Periodic Review*

Trinidad and Tobago

* The annex is being circulated in the language of submission only.

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Contents

		Page
	Introduction	3
I.	Summary of the proceedings of the review process	3
	A. Presentation by the State under review	3
	B. Interactive dialogue and responses by the State under review	7
II.	Conclusions and/or recommendations	14
Annex		
	Composition of the delegation	25

Introduction

1. The Working Group on the Universal Periodic Review, established in accordance with Human Rights Council resolution 5/1, held its twenty-fifth session from 2 to 13 May 2016. The review of Trinidad and Tobago was held at the 15th meeting on 10 May 2016. The delegation of Trinidad and Tobago was headed by Ambassador Extraordinary and Plenipotentiary, Eden Charles. At its 20th meeting, held on 13 May 2016, the Working Group adopted the report on Trinidad and Tobago.

2. On 12 January 2016, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of Trinidad and Tobago: Georgia, Kenya and Qatar.

3. In accordance with paragraph 15 of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21, the following documents were issued for the review of Trinidad and Tobago:

(a) A national report submitted/written presentation made in accordance with paragraph 15 (a) (A/HRC/WG.6/25/TTO/1);

(b) A compilation prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in accordance with paragraph 15 (b) (A/HRC/WG.6/25/TTO/2);

(c) A summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/25/TTO/3).

4. A list of questions prepared in advance by Norway, Slovenia, Spain and the United Kingdom of Great Britain and Northern Ireland was transmitted to Trinidad and Tobago through the troika. These questions are available on the extranet of the universal periodic review.

I. Summary of the proceedings of the review process

A. Presentation by the State under review

5. The State indicated that the preparation of the national report had involved various stakeholders, including government ministries, other State agencies and representatives of civil society.

6. Measures that Trinidad and Tobago had implemented in fulfilling its human rights obligations included those aimed at protecting the rights of women and children, reducing poverty, improving the administration of justice and reducing the incidence of violent crime in Trinidad and Tobago. With regard to the continued increase in violent crime, given the country's vulnerability to drug trafficking and the illegal arms trade, the Government had taken steps to address the issue with the passage or enactment of various pieces of legislation, such as the Trafficking in Persons Act, 2011, the Anti-Terrorism (Amendment) Act, 2010, and the Interception of Communications Act, 2010.

7. The Government of Trinidad and Tobago continued to improve the administration of justice in an effort to reduce the backlog of cases before the courts, specifically as it related to the length of time that a person may be detained before being brought before the courts. To address that issue, the Administration of Justice (Indictable Proceedings) Act, 2011, and the Indictable Offences (Committal Proceedings) Act, 2014, had been enacted.

8. The Police Complaints Authority of Trinidad and Tobago offered a safe, independent environment in which complaints could be lodged and investigated. That service was offered free of charge as an accessible mechanism for members of the public to submit complaints against police officers and with a view to curbing the use of unnecessary force by the police service in the conduct of their work.

9. The Trinidad and Tobago Police Service had also implemented the "Policing for People Initiative" to provide officers with the training required to improve the quality of policing. The aim was to change the culture of the police service with regard to its interaction with the public in order to form a closer alliance between the two, with the concomitant effect of greater cooperation in the fight against crime.

10. The delegation of Trinidad and Tobago indicated that the death penalty was only applicable for murder and treason and that before such a penalty was applied, due process — involving several safeguards — was carefully observed. Those safeguards included: the commutation of death sentences not carried out within five years; appeals before the Court of Appeal and to the Judicial Committee of the Privy Council, which was the final court of appeal; and the right of a prisoner to apply to the Advisory Committee on the Power of Pardon by virtue of section 89 of the Constitution.

11. Various policy mechanisms were also in place to protect and promote the rights of prisoners. The Penal Reform and Transformation Unit had been established in 2002 to review the penal system. Since then, further reforms had been implemented to achieve a more restorative system of justice. The Trinidad and Tobago Prison Service was guided by the Standard Minimum Rules for the Treatment of Prisoners. Strategies had also been adopted to meet the needs of imprisoned women, to ensure that the mother-child relationship was maintained and to address women's health needs, especially those related to pregnancy, and revenue earning. Inmates were able to benefit from the rehabilitation system, which included religious or spiritual programmes for all faiths, psychological and medical services, cognitive/moral programmes on leadership, conflict resolution, drug rehabilitation, counselling, adolescent development, self-esteem and anger management, social/sporting programmes and educational programmes, ranging from academic to vocational, some of which were hosted by the prison service.

12. The Ministry of National Security had embarked on the introduction and implementation of an offender management system. The system sought to establish a seamless process for offenders, from the point of arrest through to the point of release. At its core was the delivery of a set of interventions, sequenced and tailored to respond to the risks relating to and the needs of the individual offender.

13. In the light of the recommendation, accepted during the previous cycle of the universal periodic review, that the State should improve living conditions in prisons and detention centres, the Prison Service Act, 1965, had been amended by the Miscellaneous Provisions (Prisons) Act, 2014, along with the Prison Rules, to provide for, among other things, the removal of an Inspector of Prisons, the creation of an Inspectorate of Prisons and the establishment of an Appeal Tribunal for cases involving disciplinary action against prisoners. The Inspectorate was charged with the function of inspecting and reporting on conditions in prisons and industrial institutions and following up on the treatment of prisoners, prisoner complaints and programmes, facilities, services and opportunities available to promote the rehabilitation of prisoners and young offenders.

14. Trinidad and Tobago had sought to implement the recommendation it had accepted during the first cycle of the universal periodic review to reduce the case backlog and address the inefficiencies in the judicial system that contributed to lengthy pretrial detentions and exacerbated difficult prison conditions. In September 2015, the Chief Justice of Trinidad and Tobago had announced the approval of criminal case management rules

that would facilitate the early disclosure and disposal of preliminary issues, impose stricter time frames and impose a positive obligation on all parties, including judicial officers, to assist in processing cases in accordance with the overriding objective of dealing with cases justly and expeditiously.

15. In order to reduce poverty, especially that affecting women, the Office of the Prime Minister had, together with the Minister of State for gender affairs, provided financial assistance for more than a decade, through the "Women in harmony" programme, to female heads of households who were single parents with few or no skills and either a low or no income.

16. Another initiative geared towards supporting women with specific needs was the "Non-traditional skills training programme for women". It was designed to provide specialized, technical/vocational education and training to low-income women. The programme was aimed at increasing economic productivity among unskilled, unemployed women between the ages of 18-50 years. Since 2001, over 3,000 women had been trained under the programme.

17. Trinidad and Tobago had also paid attention to the needs of persons with disabilities. A disability affairs unit within the Ministry Social Development and Family Services and a national coordinating committee on disability had been established. Additionally, the Government was currently considering a draft national policy on persons with disabilities and a draft disabilities bill. Broad programmes had also been developed to ensure the safety and independence of the differently-abled. The Government provided financial assistance to purchase aids and assistance devices, and the Public Transport Service Corporation provided a dial-a-ride service to transport differently-abled persons to work, school, Government offices and the supermarket.

18. Efforts had been made by the Ministry of Labour and Small Enterprise Development to promote and encourage the integration of persons with disabilities into the labour market in both the public and private sectors.

19. The efforts undertaken by Trinidad and Tobago to safeguard the rights of persons with disabilities had been strengthened by the ratification in 2015 of the Convention on the Rights of Persons with Disabilities. An interministerial committee had been established to implement the articles of the Convention.

20. In July 2015, the National Enrichment Centre for Persons with Disabilities formerly known as the National Development Centre for Persons with Disabilities had been commissioned to enhance the quality of life of persons with disabilities. The Centre was to be responsible for providing rehabilitation services, opportunities for vocational training and employment, independent life skills programmes, activities focusing on social interaction and therapeutic services for persons with disabilities.

21. The right of children with disabilities to access education had been recognized and was supported by the Special Education Unit of the Student Support Services Division of the Ministry of Education.

22. Trinidad and Tobago had received various recommendations during its initial periodic review concerning the full implementation of the Children's Authority and the proclamation of the Children Act, 2012. On 18 May 2015, the Children Act, 2012, had been proclaimed, resulting in the immediate operationalization of the Children's Authority. The Children Act, 2012, along with other legislation and the Children's Authority, represented an overhaul of the former child protection system. It had repealed and replaced the previous Children Act, adopted in 1925. The new legislation was wide-ranging in its scope and dealt with issues including sexual conduct against children, cruelty, juvenile justice, corporal punishment, compulsory school age, the use of evidence and procedures in criminal

proceedings involving children, children's attorneys and the employment of children. The Children's Authority, which had been established by the Children's Authority Act, 2000, served as the hub of the new national child protection system, and performed several key functions geared towards safeguarding and improving the lives of children in Trinidad and Tobago. The Children's Authority received and investigated reports of the mistreatment of children and, in order to deliver the most effective service, had established a 24-hour helpline for reporting such offences anonymously. It had also established an emergency response team to investigate reports of the mistreatment of children, which operated on a 24-hour basis.

23. The Government of Trinidad and Tobago had devised a number of programmes and initiatives to promote and protect the rights of children. The Family and Children Division Bill, 2016, sought to grant jurisdiction over all matters relating to families and children to a specific division of the High Court.

24. Trinidad and Tobago was a State party to the Convention on the Rights of the Child and the Convention on the Civil Aspects of International Child Abduction. National legislation also gave effect to the provisions of those treaties, for example through the International Child Abduction Act, 2008. A civil child abduction unit within the Ministry of the Attorney General and Legal Affairs served a central authority in matters of parental abduction. Other measures included a child advocacy unit, which operated out of the Solicitors General's Department.

25. Further measures had included the establishment of a child protection unit within the Trinidad and Tobago Police Service, which was staffed by specially trained officers. Its mandate was to investigate all matters pertaining to child abuse. Child protection units existed in more than half of the police geographical divisions.

26. Since its first universal periodic review, Trinidad and Tobago had passed the Children Act, 2012, which prohibited the use of corporal punishment in schools. The Act had also addressed issues relating to the sale of children, child pornography and child prostitution. Those measures were supported by the Trafficking in Persons Act, 2011, which also provided some protection for children from heinous crimes.

27. The protection of the rights of the women of Trinidad and Tobago was of fundamental importance to the Government. The Government had recognized that in Trinidad and Tobago, as in any society, women fell victim to domestic violence, sexual harassment and other forms of emotional and verbal abuse. In addition to specific legislation covering many of those offences, women were also protected under the Sexual Offences Act, 1986. Other legislation that protected women from abuse and discrimination included the Domestic Violence Act, 1999, the Trafficking in Persons Act, 2011, and the Equal Opportunity Act, 2000. In 2012, the Maternity Protection Act, 1998, had been amended by the Miscellaneous Provisions (Maternity Protection and the Masters and Servants Ordinance) Act, 2012. Those specific pieces of legislation supplemented the provisions of section 4 of the Constitution, which enshrined the fundamental rights and freedoms of all citizens.

28. Education had been at the forefront of the Government's investment in sustainable development. In 2015, Trinidad and Tobago had achieved universal early childhood care and education, which was coupled with its existing system of universal primary and universal secondary education and universal tertiary education up to the undergraduate level. In addition to those policy measures, important legislative changes had been introduced to promote the right to education. With the proclamation of the Children Act, 2012, the age range for compulsory schooling, previously 6 to 12 years, had been expanded to 5 to 16 years.

29. In September 2015, in order to build on the progress achieved under the Millennium Development Goals, Trinidad and Tobago had joined the rest of the international community in adopting the 2030 Agenda for Sustainable Development, and had embarked on the implementation of that global development agenda in the context of the Government's national development plan, "Vision 2030".

B. Interactive dialogue and responses by the State under review

30. During the interactive dialogue, 56 delegations made statements. Recommendations made during the dialogue can be found in section II of the present report.

31. The Netherlands welcomed the ongoing parliamentary debate on equal rights and non-discrimination with regard to the lesbian, gay, bisexual, transgender and intersex community. Since discrimination based on sexual orientation remained prevalent, the Netherlands highlighted the need to improve the fulfilment of the rights of lesbian, gay, bisexual, transgender and intersex persons.

32. Nicaragua highlighted the reforms and improvements in the areas of children's rights, the rights of persons with disabilities and combating human trafficking, as well as efforts towards the restitution of women's rights. It commended the ratification of the Convention on the Rights of Persons with Disabilities and the establishment of an interministerial committee to oversee its implementation. Nicaragua encouraged Trinidad and Tobago to pay particular attention to vulnerable groups.

33. Nigeria noted the broad consultations, involving national institutions and non-governmental organizations, carried out during the compilation of the report of Trinidad and Tobago. It highlighted the fact that the recommendations accepted during the previous universal periodic review had been implemented. Nigeria commended the Trafficking in Persons Act, which provided for the establishment of a counter-trafficking unit, and noted the review of the Administration of Justice Act and the establishment of a Juvenile Court.

34. Norway, noting the legislative reforms relating to violence against women, said that the high level of gender-based violence nevertheless remained a concern. Norway was also worried about the continued stigmatization of and discrimination against lesbian, gay, bisexual, transgender and intersex persons, as well as those living with HIV. It noted with concern that Trinidad and Tobago had failed to outlaw child marriage.

35. Pakistan noted that, despite resource constraints, Trinidad and Tobago had made efforts to implement the majority of the recommendations made during the first cycle of the universal periodic review. It commended the ratification of the Convention on the Rights of Persons with Disabilities and stressed that the Children Act, 2012, the child protection units, the National Health Card system and policies related to the elimination of discrimination against women would contribute to the promotion and protection of human rights.

36. Panama acknowledged the efforts made to combat corruption and recognized that it was a systemic problem hindering the full enjoyment of human rights. It highlighted achievements in the field of children's rights and the rights of persons with disabilities.

37. Paraguay welcomed the significant legislative progress made, but urged further action to eliminate discrimination against women, to empower women in decision-making processes and to eradicate violence against women. Paraguay was worried by the fact that, in certain cases, 12-year-old children could marry legally.

38. The Philippines acknowledged the enactment of the Trafficking in Persons Act in accordance with the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against

Transnational Organized Crime (Palermo Protocol), and the State's continuing cooperation with other States to combat trafficking in persons. It remained concerned about reports that the crime rate was increasing, and encouraged Trinidad and Tobago to continue to apply a human rights-based approach when implementing security reforms.

39. Portugal welcomed the ratification of the Convention on the Rights of Persons with Disabilities. It highlighted that no executions had been carried out in Trinidad and Tobago since 1999.

40. The Republic of Korea noted the ratification of the Convention on the Rights of Persons with Disabilities, the enactment of the Trafficking in Persons Act and the Children Act 2012, and the adoption of the national refugee policy. Those measures represented major progress towards ensuring protection for the most vulnerable groups.

41. The delegation of Trinidad and Tobago noted the comments and recommendations made by all the intervening States. It welcomed the comments and indicated that they would refer them to the authorities, and that they would seek to engage not only the Government but also civil society in establishing whether or not those comments and recommendations could be incorporated into the national human rights machinery.

42. On the issue of child marriage, the delegation explained that, in Trinidad and Tobago, child marriage was a critical issue and that amending existing legislation, which reflected traditional norms and values, required an extensive and inclusive consultation process. The issue of child marriage was currently the subject of lively debate at the national level and the recent amendment to the Children Act had increased the age up to which a person was still considered a child to 18 years, in compliance with international standards. Consultations would continue to ensure that there were no inconsistencies between increased age of majority and other practices that did not conform to that age limit.

43. In response to the questions posed in advance by the delegation of Norway, the Government of Trinidad and Tobago recognized that discrimination against any group was a scourge to be tackled. Thus, taking into consideration the culture and the diverse nature of society in Trinidad and Tobago, any changes to statutory law would require extensive nationwide consultations involving not only the affected groups, but society as a whole.

44. With regard to the establishment of a human rights institution in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), the delegation indicated that the Government would continue to consider the matter. More in-depth studies were being carried out and a holistic approach had been adopted to ascertain whether or not existing institutions, such as the Equal Opportunity Commission and the Office of the Ombudsman of Trinidad and Tobago, could be restructured and potentially converted into a national human rights institution.

45. In response to the questions submitted in advance by the delegation of Slovenia with regard to corporal punishment, the delegation referred to the extensive information provided in the opening statement and the prohibition of corporal punishment in schools.

46. Regarding the question posed by the United Kingdom on the three-tiered classification of murder and on matters relating to the abolishment of the death penalty, the Constitution (Amendment) (Capital Offences) Bill, 2011, was being debated and the issue of the abolishment of mandatory imposition of death penalty was under discussion. Trinidad and Tobago continued to address the issue of the death penalty and no executions had been carried out without observance of due process of law.

47. On the issue of the empowerment of women, the head of the delegation of Trinidad and Tobago mentioned the increasing number of women in Parliament and in the Senate, noting that the presiding officers of the two houses were women.

48. With regard to the question posed by the United Kingdom on the length of pretrial detention, two separate pieces of legislation currently applied. Although the Administration of Justice (Indictable Proceedings Act), 2011, had repealed the Indictable Offences (Preliminary Enquiry) Act of 1917, the latter continued to apply to proceedings instituted prior to the date when the Administration of Justice (Indictable Proceedings Act), 2011, had come into force. The delegation indicated that the Government would continue to monitor the situation and take into consideration the comments made.

49. Senegal welcomed the promulgation of the Trafficking in Persons Act, the operationalization of the Children's Authority, the ratification of the Convention on the Rights of Persons with Disabilities and the presentation of reports to treaty bodies, especially to the Committee on the Elimination of Discrimination against Women.

50. Sierra Leone noted the enactment of new legislation to improve the human rights situation. Given that there had been no executions carried out since 1999, Sierra Leone urged Trinidad and Tobago to impose a moratorium on the death penalty, with a view to abolishing it, and to consider incorporating that abolition into its constitutional review. Sierra Leone encouraged the State to strengthen efforts to end sexual assault and domestic violence.

51. Singapore welcomed the Trafficking in Persons Act and the ratification of the Convention on the Rights of Persons with Disabilities. It wished Trinidad and Tobago success in achieving the goals of the United Nations 2030 Agenda for Sustainable Development. Singapore remained committed to sharing its development experience with Trinidad and Tobago and other small island developing States.

52. Slovenia congratulated the State's efforts to promote the rights of the elderly and its engagement with gender-responsive budgeting. It welcomed the ratification of the Convention on the Rights of Persons with Disabilities and the submission of a report to the Committee on the Elimination of Discrimination against Women, as both measures were a step towards implementing recommendations made by Slovenia (87.41 and 88.) during the first universal periodic review cycle. Recommendation 88.39 had been partially implemented, as the amended Children Act prohibited corporal punishment in all settings outside the home. Slovenia noted that the death penalty continued to be mandatory for murder and that non-coercive sexual activity between minors of the same sex could lead to life imprisonment.

53. South Africa welcomed the enactment of several laws to promote and protect the rights of women and girls, as well as continued progress in the field of social and human development.

54. Spain congratulated Trinidad and Tobago on the ratification of the Convention on the Rights of Persons with Disabilities. Spain urged the State to sign and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty. Trinidad and Tobago should continue to combat all forms of discrimination, particularly discrimination based on sexual orientation. Spain praised the State's efforts to combat sexual and gender-based violence.

55. Switzerland noted the ratification of the Convention on the Rights of Persons with Disabilities and the introduction of a national policy on refugees. It remained concerned by the insufficient implementation of the recommendations made as part of the first universal periodic review cycle, and advised the State to develop a transparent and inclusive process for implementing universal periodic review recommendations from both cycles.

56. Turkey commended efforts to promote gender equality and encouraged the effective implementation of the draft national gender policy. It noted the establishment of a central

registry on domestic violence, welcomed the proclamation of a Children Act and observed ongoing efforts to reduce violent crime through the enactment of legislation.

57. Uganda commended the State's commitment to protecting women and children, reducing poverty and the incidence of violent crime and improving the welfare of those living with HIV/AIDS. However, it highlighted that continued efforts were necessary. Uganda praised the enactment of the Trafficking in Persons Act, and highlighted that improving the protection afforded to children against all forms of abuse remained a key concern.

58. The United Kingdom welcomed the ongoing review of the death penalty. It recognized the work undertaken to address discrimination against women and asked the State to take concrete steps to implement existing legislation on sexual harassment and violence against women, including by establishing specialized rape and sexual offences units at police stations.

59. The delegation of Trinidad and Tobago acknowledged the recommendation from a number of delegations that the State should consider ratifying pending human rights conventions. With regard to the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, the delegation stressed that although Trinidad and Tobago had not become a party to that Optional Protocol, the Children's Act nevertheless addressed the issue of the sale of children.

60. The United States of America commended efforts to assist persons with disabilities and provide greater safeguards for persons with HIV/AIDS. It noted efforts to improve aspects of the justice sector, but remained concerned about reports of police ill-treatment and poor prison conditions. The United States was also concerned about violence and discrimination against women and the lack of respect for the human rights of lesbian, gay, bisexual, transgender and intersex persons.

61. Uruguay noted with concern the increasing number of cases that could potentially carry the death penalty. It welcomed the establishment of a national policy to address issues relating to refugees and asylum seekers, as well as measures relating to women's rights. Uruguay was concerned about the increase in maternal mortality, particularly among adolescents, and encouraged Trinidad and Tobago to redouble its efforts to provide sex education and access to sexual and reproductive health services.

62. The Bolivarian Republic of Venezuela acknowledged the State's efforts to implement accepted universal periodic review recommendations, which had led to the creation of an effective mechanism for developing national human rights programmes. It welcomed the steps taken to ensure access to health, housing, food and education. The delegation highlighted the implementation of the National Social Development Programme, the enactment of the Children Act, 2012, and the National Strategic Plan for Child Development 2012-2016 and welcomed public policies aimed at strengthening the gender dimension.

63. Algeria noted the promulgation of several legislative texts on child protection and the proclamation of the Trafficking in Persons Act. However, it was concerned about discrimination against persons with disabilities, the poor treatment of suspects and prisoners at the time of arrest and in custody and the legitimacy of child marriages.

64. Argentina commended the ratification of the Convention on the Rights of Persons with Disabilities and encouraged Trinidad and Tobago to accede to the international human rights treaties to which it was not yet a party. Argentina also took note of the State's efforts to combat gender violence and discrimination suffered by women and girls.

65. Australia commended the ratification of the Convention on the Rights of Persons with Disabilities in 2015. However, persons with disabilities continued to face

discrimination. Australia also remained concerned that violence and discrimination against lesbian, gay, bisexual, transgender and intersex persons had not been addressed through legislative and policy instruments.

66. The Bahamas noted that Trinidad and Tobago had become the first Commonwealth Caribbean State to submit a mid-term progress report for the universal periodic review and commended the inclusive multi-stakeholder consultations that had formed part of the process of drafting the State's report. The Bahamas commended efforts to strengthen the legal framework to protect children and the State's gender equality initiatives, including the development of tools for gender-sensitive budgeting and training programmes designed to challenge gender stereotypes.

67. Barbados noted the adoption in 2013 of legislation on human trafficking and the establishment of national agencies to combat that global issue; the adoption of the Children Act, 2012, which had established a juvenile justice system; the ratification of the Convention on the Rights of Persons with Disabilities; the decriminalization of defamation; and the national policy on refugees and asylum seekers.

68. Botswana applauded the proclamation of a number of laws, including the Trafficking in Persons Act and the Children Act, and welcomed the improved access to justice and the introduction of electronic monitoring to relieve prison overcrowding. However, there had been reports of abuses carried out by law enforcement officials, including corruption, and reports of inequalities faced by women in all sectors of the economy.

69. Canada was encouraged by the commitment shown by Trinidad and Tobago to amending the Police Complaints Authority Act, in order to give that body more powers to effectively investigate cases of serious misconduct, corruption and criminal offences involving police officials. Canada encouraged the swift consideration by Parliament of new provisions, as well as law enforcement training and public education initiatives, to ensure effective implementation.

70. Chile welcomed the entry into force of the Trafficking in Persons Act, the ratification of the Convention on the Rights of Persons with Disabilities and the establishment of the national policy on refugees and asylum seekers. However, there were concerns about the State's retention of the death penalty in its legislation, discrimination against lesbian, gay, bisexual, transgender and intersex persons, violence against women and children and the early marriage of girls.

71. China appreciated the State's efforts to strengthen its national human rights institution, provide human rights education, combat human trafficking and domestic violence in order to protect women, children and persons with disabilities and introduce measures to improve prison conditions. China also welcomed the ratification of the Convention on the Rights of Persons with Disabilities, the establishment of a national committee to fight trafficking in persons and the State's active cooperation with OHCHR and United Nations treaty bodies and special procedure mandate holders.

72. Colombia welcomed the adoption of the national policy on refugees and asylum seekers and the establishment of the Joint Select Committee on Human Rights. Diversity, the Environment and Sustainable Development.

73. Cuba drew attention to the announcement made by Trinidad and Tobago in 2015 on its attainment of universal early childhood care and education. Cuba also highlighted the establishment of a drug treatment court, which provided an alternative to imprisonment for drug offenders, in order to break the cycle of abuse, multiple arrests and recidivism.

74. Denmark commended Trinidad and Tobago for ratifying several of the core United Nations human rights conventions and on submitting its latest report to the Committee on

the Elimination of Discrimination against Women in 2015. However, Denmark regretted that the State had yet to ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and hoped that Trinidad and Tobago would become one of the 159 States parties to that Convention.

75. Ecuador acknowledged the enactment of the Children Act, which covered issues such as sexual abuse, cruelty, juvenile justice, corporal punishment, mandatory school age, evidence and proceedings in criminal cases and child labour. Ecuador also commended the amendments to the Regional Health Authorities Act, the construction of new medical facilities and the adoption of a new regulation on emergency medical staff and services.

76. France welcomed the delegation of Trinidad and Tobago and made recommendations.

77. Georgia commended the ratification of the Convention on the Rights of Persons with Disabilities and the adoption of the comprehensive Trafficking in Persons Act and Children Act. Georgia welcomed the submission of a mid-term implementation report on the recommendations accepted during the previous universal periodic review, and encouraged Trinidad and Tobago to continue that practice.

78. Germany welcomed the fact that no executions had been carried out since 1999, but noted with concern that there appeared to be continued support for retaining the death penalty. Germany remained worried that provisions criminalizing and discriminating against lesbian, gay, bisexual, transgender and intersex persons were still in effect. Germany indicated that more action was needed to safeguard children against sexual and other physical abuse.

79. The head of the delegation of Trinidad and Tobago thanked States for their comments and recommendations. The delegation stressed that Trinidad and Tobago had been implementing measures to meet the obligations arising from its national laws and from international human rights mechanisms.

80. Reference was made to previous responses on the subject of police mistreatment, prison conditions, gender equality, the death penalty, early marriage, vulnerable groups, such as lesbian, gay, bisexual, transgender and intersex persons, the ratification of the Convention against Torture and the Rome Statute of the International Criminal Court.

81. The delegation welcomed the willingness of countries such as Denmark to speak about exchanging best practices, noting that it was one of the purposes of the peer review for all States.

82. Ghana commended Trinidad and Tobago for the progress achieved since its previous review in 2011, including the enactment of the Trafficking in Persons Act.

83. Guatemala acknowledged the progress that Trinidad and Tobago had achieved on the basis of the voluntary commitments made during the universal periodic review process, as well as its work on combating corruption, promoting the rights of the child and gender equality, eliminating all forms of discrimination and ensuring citizens' security.

84. Honduras commended the ratification of the Convention on the Rights of Persons with Disabilities, the approval of the national policy on refugees and asylum seekers and the establishment of the Joint Select Committee on Human Rights, Diversity, the Environment and Sustainable Development.

85. Indonesia welcomed the entry into force of the Trafficking in Persons Act, the revision of the Children Act and the ratification of the Convention on the Rights of Persons with Disabilities. Indonesia commended the juvenile justice reforms designed to promote rehabilitative and restorative justice and the amendments to the Miscellaneous Provisions

(Prisons) Act to improve living conditions in prisons and detention centres. Indonesia also welcomed the review of the draft immigration policy.

86. Italy noted positively the measures aimed at providing better protection for children and combating trafficking in persons. It also welcomed the State's commitment to promoting economic, social and cultural rights and, in particular, the results achieved with regard to the right to education.

87. Jamaica noted the multi-stakeholder review of the draft immigration policy carried out by Trinidad and Tobago and was confident that the review, guided by the best interests of the people, would take into account regional and international commitments and best practices.

88. Kenya noted that the State's engagement with the Human Rights Council and the steps it had taken at the national level had enabled the country to make valuable contributions to the work of the Council and implement core human rights treaties and protect human rights, despite the challenges and constraints involved.

89. Malaysia noted that action had been taken to curb crime and violence and to improve the efficiency of the administration of justice, in order to ensure the prompt consideration of court cases. Although significant progress had been made, Malaysia was of the view that there was room for improvement in several areas.

90. Maldives welcomed the introduction of the Children Act, 2012, to protect children against sexual abuse, and the enactment of the Administration of Justice Act, 2012. The Maldives noted the baby care assistance initiative, which provided financial assistance for any child born to underprivileged parents during the course of the fiscal year.

91. Mexico encouraged Trinidad and Tobago to harmonize its national regulatory framework with the standards contained in the Convention on the Rights of Persons with Disabilities. Mexico welcomed the legislative and policy measures taken to strengthen the child protection system and urged the Government to establish mechanisms to monitor and ensure their effective implementation, in order to safeguard the safety of minors.

92. Mongolia noted that violence against women and human trafficking remained issues of concern in Trinidad and Tobago, and noted the State's efforts to combat such criminal activity through the proclamation in 2013 of the Trafficking in Persons Act, 2011.

93. Montenegro noted concerns expressed by the Committee on Economic, Social and Cultural Rights and asked Trinidad and Tobago to elaborate on its possible intention to amend the Equal Opportunity Act, 2000, to afford protection to individuals on the grounds of sexual orientation and gender identity and to indicate whether a definition of discrimination against women had been incorporated into the draft national policy.

94. Morocco welcomed the attention paid by the State to: the fight against crime and violence in society; the situation of refugees and asylum seekers; the rights of workers and employers, including the right to work of persons with disabilities; the adoption of national laws protecting children against sexual violence; and measures to facilitate access to affordable housing.

95. Brazil appreciated that Trinidad and Tobago had de facto abolished the death penalty, and encouraged the State to take concrete steps to formally abolish capital and corporal punishment.

96. Costa Rica was concerned about the functioning and effectiveness of the national commission for constitutional reform and reports regarding the prevalence of human trafficking, domestic violence, sexual violence and gender-based violence.

97. Egypt commended: the enactment of the Trafficking in Persons Act; the ratification of the Convention on the Rights of Persons with Disabilities and the establishment of an interministerial committee to monitor the implementation of the Convention; the enactment of the Children Act; and the initiatives taken by the Ministry of National Security to further ensure the security of the people of Trinidad and Tobago by fighting crime and violence.

98. In conclusion, the delegation of Trinidad and Tobago thanked all delegations for their contributions to the interactive dialogue. The State mentioned the ratification of the Convention on the Rights of Persons with Disabilities and the process of drafting legislation to give legal effect to the provisions of the Convention at the national level.

99. Regarding the Paris Principles, Trinidad and Tobago indicated that a workshop had taken place in consultation with the Commonwealth Secretariat.

100. The delegation appreciated the positive comments made on the Trafficking in Persons Act and the efforts undertaken in that field.

101. The delegation referred to the ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the need for consultation with the Government on that issue. The issue of cooperation and multilateralism within the framework of the human rights treaties was raised, in reference to a comment made by Jamaica.

102. The delegation informed Costa Rica that Trinidad and Tobago had ratified the Arms Trade Treaty at an early stage, and was currently in the process of finalizing its implementation. By ratifying the Arms Trade Treaty, the State had also committed to tackling gender-based violence, because the Treaty addressed that issue in relation to the transfer of arms.

103. The delegation spoke about inclusiveness and noted that the State's report had been drafted in a transparent manner, involving dialogue among various ministries and with other agencies and civil society.

104. In Trinidad and Tobago, the issue of human rights and how to safeguard and protect them concerned everybody. Nevertheless, the Government had the right to set the legislative agenda to ensure that laws were passed and that administrative mechanisms were in place to safeguard the human rights of all citizens, taking into account the increasing role of civil society.

105. Trinidad and Tobago commended all the delegations that had contributed to the interactive dialogue and highlighted its ongoing efforts to give effect to section 4 of the Constitution and the bill of rights of Trinidad and Tobago.

II. Conclusions and/or recommendations**

106. **The recommendations listed below enjoy the support of Trinidad and Tobago:**

106.1 **Maintain the tempo to reform the constitution and conclude this important reform as it will consolidate and enhance the legal framework for protection and promotion of human rights (Kenya);**

106.2 **Continue efforts to harmonize national legislation with international human rights norms (Morocco);**

** The conclusions and recommendations have not been edited.

106.3 **Develop and implement a National Action Plan for Human Rights to further ensure systematic and comprehensive approach for the promotion and protection of human rights, with the full engagement of civil society (Indonesia);**

106.4 **Foster a better understanding of the needs of young people and establish guidelines for their development (Cuba);**

106.5 **Develop and implement a national awareness raising campaign on human rights (Maldives);**

106.6 **Continue to develop training programmes in the field of human rights for law enforcement officials (Egypt);**

106.7 **Submit overdue reports to the relevant treaty bodies (Sierra Leone);**

106.8 **Take steps to submit overdue reports to treaty bodies (Ghana);**

106.9 **Avail itself of technical assistance from OHCHR towards implementation of its obligations under international laws and treaties (Maldives);**

106.10 **Continue legislative review and reform to address any instances of discrimination against women in national law (Bahamas);**

106.11 **Continue to promote the rights of vulnerable groups, especially women, children and persons with disabilities (Senegal);**

106.12 **Continue its significant efforts to promote gender equality, in particular the implementation of the Draft National Gender Policy as well as the proper enforcement of the existing legal frameworks (Norway);**

106.13 **Continue to promote women's empowerment (Pakistan);**

106.14 **Develop more equitable strategies to achieve gender equality on the basis of the assessment or examination of the different needs, constraints, opportunities and priorities of men and women (Cuba);**

106.15 **Implement gender equality by establishing same wages for same jobs for men and women (Algeria);**

106.16 **Continue efforts to eliminate discrimination against women to allow for equal access to the labour market (Morocco);**

106.17 **Increase its collaboration with regional and hemispheric partners to address high levels of violence and organised crime (Jamaica);**

106.18 **Establish an authority that will investigate and recommend action against abuses by law enforcers as a way to curb corruption, violations and protect the integrity of the security forces (Botswana);**

106.19 **Enact comprehensive prison and related judicial reform to ensure that conditions of detention are in conformity with the United Nations Standard Minimum Rules for the Treatment of Prisoners, including but not limited to: addressing overcrowding and sanitary issues in prisons; providing sufficient resources for rehabilitation and reintegration of prisoners; and relieving the judicial backlog that has contributed to the detention of over 2,000 people in remand awaiting a trial, many who have been in custody for several years (Canada);**

106.20 **Take all necessary measures to solve the problem of prison overcrowding and to improve detention conditions, including by providing**

sufficient resources to the body responsible for investigating allegations of torture and ill-treatment and ensuring its independence (France);

106.21 **Strengthen plans and policies to eradicate violence against women (Paraguay);**

106.22 **Prioritise measures to significantly reduce gender-based violence including violence against women and girls (Jamaica);**

106.23 **Establish appropriate coordination mechanisms that can ensure an effective multisectoral response to cases of sexual and domestic violence (Guatemala);**

106.24 **Take steps to strengthen policies aimed at addressing gender-based violence, domestic violence, sexual harassment, rape and child sexual abuse (Ghana);**

106.25 **Pursue efforts to strengthen legislation and public policies aimed at eradicating violence against women (Ecuador);**

106.26 **Establish an adequate mechanism to ensure an effective response to sexual and domestic violence (Turkey);**

106.27 **Develop a coordinated, inter-agency approach for responding to gender-based violence, with support from international partners, as required (Bahamas);**

106.28 **Approve the national gender policy and put it into practice in order to guarantee, inter alia, the effective implementation of the Domestic Violence Act, the establishment of appropriate and effective coordination mechanisms to ensure effective multisectoral response to sexual and domestic violence and sexual harassment in the workplace and in public life, as well as the explicit prohibition of discrimination against women (Honduras);**

106.29 **Ensure adequate follow up to the review of the Domestic Violence Act conducted in 2014-2015 in order to strengthen measures to prevent and combat all forms of discrimination and violence against women, and consider adopting a national action plan to this end (Italy);**

106.30 **Strengthen the response to various forms of violence against woman and take appropriate measures in order to ensure gender equality in the labor market (Egypt);**

106.31 **Continue its efforts in the fight against violence and discrimination against women, and ensure the effective implementation of existing legislation, particularly legislation on the minimum legal age of marriage (France);**

106.32 **Strengthen efforts to prevent and eradicate forced marriage of children and adolescents (Chile);**

106.33 **Partner with existing independent human rights organizations to monitor and evaluate government interventions that combat domestic violence (United States of America);**

106.34 **Fully implement the Domestic Violence Act and develop a comprehensive policy to raise awareness of and prevent domestic violence (Germany);**

106.35 **Develop statistics and indicators on gender-based violence in order to design and implement public policies in an effective manner (Mexico);**

106.36 **Ensure that rape is diligently prosecuted as a grievous sexual assault (Slovenia);**

106.37 **Enact laws and policies to combat the problem of sexual harassment in the workplace and in public life (Guatemala);**

106.38 **Put in place a system to support victims of sexual and gender-based violence (Spain);**

106.39 **Strengthen and expand policies, protections and programs addressing gender-based violence and sexual exploitation of children, provide targeted training to law enforcement, and ensure survivors are protected and have access to medical and legal services (Canada);**

106.40 **Take immediate and long term actions to eliminate discrimination and violence against women, narrow the gender gap in economic and social settings, and undertake public campaigns against gender-based violence (Malaysia);**

106.41 **Ensure proper investigation of child abuse (Germany);**

106.42 **Introduce more rigorous anti-trafficking laws to better protect women and girls (Sierra Leone);**

106.43 **Provide adequate funding and human resources for its anti-human trafficking programs (Philippines);**

106.44 **Strengthen existing policies to combat human trafficking (Spain);**

106.45 **Improve efforts to address human trafficking by strengthening procedures for identifying victims of trafficking (Turkey);**

106.46 **Continue to take steps to strengthen the protection for and assistance to victims, and to prosecute perpetrators, by ensuring the full implementation of the Trafficking in Persons Act (Singapore);**

106.47 **Ensure that victims of trafficking are provided with the opportunity to seek asylum and enjoy the corresponding rights and services, to strengthen the effort to protect and assist victims of trafficking (Uganda);**

106.48 **Continue efforts to strengthen the system for combatting trafficking in persons and establish a response mechanism to provide assistance to victims of this crime (Mexico);**

106.49 **Continue to strengthen national efforts to address the phenomenon of trafficking in human beings (Egypt);**

106.50 **Provide increased support to the family as the dominant and only natural environment suitable for raising children, to ensure adequate protection (Uganda);**

106.51 **Step up efforts to facilitate the participation of women in political and public affairs and to combat stereotypes regarding the role of women (Argentina);**

106.52 **Continue the efforts to reduce the unemployment rate, eradicate poverty, and give priority to the protection and promotion of economic, social and cultural rights of people (China);**

106.53 **Adopt a human rights based approach in the engagement with youth, and increase the resources for youth development in urban and rural areas, including by improving the access to and quality of education (Malaysia);**

106.54 **Continue progressing towards the eradication of poverty, through implementing its successful social policies (Bolivarian Republic of Venezuela);**

106.55 **Strengthen measures on rural development (South Africa);**

106.56 **Continue national efforts to address the prevalence of HIV and AIDS (South Africa);**

106.57 **Ensure the right to health of persons living with HIV/AIDS, through the strengthening of inter-institutional coordination, the establishment of programs to make available essential medicines, as well as strategies to address the increased rate of infection by HIV and new infections among adolescents and young women (Colombia);**

106.58 **Build state capacity to develop policy and programmatic responses to address the needs of people living with HIV (Norway);**

106.59 **Implement the updated National Policy on Persons with Disabilities (Maldives);**

106.60 **Review and revise domestic legislation and policies to reflect the provisions and principles of the Convention on the Rights of Persons with Disabilities (Australia);**

106.61 **Accelerate efforts to incorporate the Convention on the Rights of Persons with Disabilities into national law (Bahamas);**

106.62 **Develop policy and legislation to promote, protect and fulfil the rights of persons with disabilities (South Africa);**

106.63 **Develop policy and legislation in the area of protection of the rights of persons with disabilities (Georgia);**

106.64 **Continue to implement the Convention on the Rights of Persons with Disabilities (Pakistan);**

106.65 **Take all necessary legislative and policy measures to ensure that persons with disabilities have appropriate employment opportunities and children with disabilities have access to quality education (Singapore);**

106.66 **Take steps to review domestic legislation and policies to reflect the provision and principles of the Convention on the Rights of Persons with Disabilities and fully implement the updated National Policy of Persons with Disabilities (Ghana);**

106.67 **Implement the legislation and policies to address all forms of discrimination and disability (Kenya);**

106.68 **Elevate the socioeconomic situation for persons with disabilities (Malaysia);**

106.69 **Develop public policies aimed at guaranteeing the rights of persons with disabilities, mainly in education, professional development and participation in social life on an equal footing (Mexico);**

106.70 **Effect the National Policy on refugee and Asylum Seekers matters the Cabinet approved in 2014 (Kenya).**

107. **Trinidad and Tobago considers that the following recommendation is already implemented:**

107.1 **Ratify and apply the Arms Trade Treaty (Costa Rica).**

108. The following recommendations will be examined by Trinidad and Tobago, which will provide responses in due time, but no later than the thirty-third session of the Human Rights Council, in September 2016:

108.1 Ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (Italy);

108.2 Accede to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol, and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Honduras);

108.3 Consider its accession to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Indonesia);

108.4 Ratify Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Turkey) (Denmark) (France) (Ghana);

108.5 Continue expanding the legal framework for the promotion and protection of human rights through the ratification of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Convention for the Protection of All Persons from Enforced Disappearance as well as to consider taking steps towards the abolishment of death penalty (Mongolia);

108.6 Ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol (Italy) (Paraguay) (Uruguay);

108.7 Ratify and accede to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the International Convention for the Protection of All Persons from Enforced Disappearance (Sierra Leone);

108.8 Progress towards the ratification of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Chile);

108.9 Ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol; the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict; the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography; as well as the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Guatemala);

108.10 Ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment for the establishment of a National Preventive Mechanism (Panama);

108.11 Ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol, as well as the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (Portugal);

108.12 Ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (United Kingdom of Great Britain and Northern Ireland) (Costa Rica);

108.13 Sign the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol, the International Convention for the Protection of All Persons from Enforced Disappearance, as well as the Optional Protocols to the Convention on the Rights of the Child (Spain);

108.14 Consider, to the extent possible, acceding to the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (Nicaragua);

108.15 Ratify the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (Switzerland);

108.16 Ratify the Optional Protocols to the Convention on the Rights of the Child on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography (Uruguay);

108.17 Take all necessary measures to combat violence against children and ratify the Optional Protocols to the Convention on the Rights of the Child (France);

108.18 Consider acceding to the International Convention on the Protection of the Rights of All Migrant Workers and Their Families (Ecuador);

108.19 Consider its accession to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Indonesia);

108.20 Consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Philippines);

108.21 Ratify the International Convention on the Rights of All Migrant Workers and Members of Their Families (Algeria) (Ghana);

108.22 Ratify the International Convention for the Protection of All Persons from Enforced Disappearance without making reservations and recognize the competence of the Committee on Enforced Disappearances to receive and consider communications (Panama);

108.23 Ratify the International Convention for the Protection of All Persons from Enforced Disappearance (France) (Ghana);

108.24 Consider re-acceding to the American Convention on Human Rights and accepting the contentions jurisdiction of the Inter-American Court of Human Rights (Brazil);

108.25 Enact the bill on the International Covenant on Civil and Political Rights, which lapsed in Parliament (Nigeria);

108.26 Consider establishing a National Human Rights Institution (NHRI) in accordance with the Paris Principles (Republic of Korea);

108.27 Establish promptly a NHRI in full compliance with the Paris Principles (A Status) (Portugal);

108.28 Establish NHRI in accordance with the Paris Principles (Senegal);

108.29 Establish an independent human rights institution that conforms with the Paris Principles (Australia);

108.30 Set up a NHRI in accordance with the Paris Principles (Sierra Leone);

108.31 Establish a NHRI under the Paris Principles to undertake and oversee the further advancement of the human rights agenda (Barbados);

108.32 Take appropriate measures in the legislative sphere, including allocations of financial resources with a view to strengthening the office of the Ombudsman and bring it in line with the Paris Principles (Honduras);

108.33 Extend a standing invitation to the Council's Special Procedures (Portugal) (Republic of Korea) (Georgia);

108.34 Take steps to issue standing invitations to all special procedures (Ghana);

108.35 Strengthen the cooperation with human rights mechanisms and extend a standing invitation to the special procedures (Turkey);

108.36 Take into account the recommendations of the National Commission for Equal Opportunities concerning the need to amend the Equal Opportunities legislation so that it covers the elderly, persons living with HIV and discrimination on the grounds of sexual orientation (Colombia);

108.37 Put into effect first cycle recommendations 87.23 and 88.50, and develop policy and programmatic responses to the needs of lesbian, gay, bisexual, transgender and intersex (LGBTI) persons (United States of America);

108.38 Amend the Equal Opportunity Act to include sexual orientation and gender identity as prohibited grounds for discrimination, as part of a proactive strategy to promote respect for the dignity and rights of all individuals (Canada);

108.39 Adopt legislation prohibiting discrimination on the grounds of sexual orientation and gender identity, introducing also awareness-raising programs that promote respect for sexual diversity (Chile);

108.40 Enact legislation prohibiting discrimination against LGBTI persons, including removing laws criminalising same sex activity (Australia);

108.41 Repeal articles 13 and 16 of the Law on Sexual Offences of 1986, penalizing sexual relations between consenting individuals of the same sex. Despite the fact that laws criminalizing same sex activity are not enforced, a formal withdrawal of the law is highly recommended (Netherlands);

108.42 Take steps to combat discrimination of LGBTI people in legislation and practice, including decriminalisation of sexual activities between consenting adults of the same sex (Norway);

108.43 Decriminalize sexual relations between consenting adults of the same sex (Slovenia) (Spain);

108.44 Take additional measures as necessary to ensure the full enjoyment of human rights by vulnerable groups that are suffering from discrimination, such as LGBTI persons, including investigation and punishment of cases of discrimination and repealing of laws that criminalize and stigmatize them (Argentina);

108.45 Put an end to discrimination (particularly legal discrimination) against LGBT persons and to criminalization of homosexuality (France);

108.46 Repeal all provisions that criminalize consensual same-sex relationships or that discriminate against LGBTI persons (Germany);

108.47 Decriminalize homosexuality and combat all forms of discrimination and abuse against LGBTI persons (Italy);

108.48 Decriminalize same sex relations including in the Sexual Offences Act (Montenegro);

108.49 Take concrete measures with a view to decriminalizing consensual same-sex relations and abolishing any discriminatory legislation against LGBTI people, even if it is not applied in practice (Brazil);

108.50 Review the Children Act of 2012 in order to decriminalize consensual sexual relations between minors of the same sex (Chile);

108.51 Adopt a three-tiered classification of murder that will provide sentencing judges with the discretion to impose a sentence other than death and thereby preclude its mandatory imposition (United Kingdom of Great Britain and Northern Ireland);

108.52 Partner with appropriate international agencies to strengthen national capacities to collect, process, and analyse relevant human rights statistical information concerning police misconduct and prison conditions (United States of America);

108.53 Set the universal minimum age for marriage to 18 years, in line with the Civil Marriage Law (Norway);

108.54 Harmonize the minimum age for marriage, in accordance with the provisions of the Convention on the Rights of the Child (Paraguay);

108.55 Harmonize all its relevant legislation relating to the age of marriage and raise the age of marriage to 18 (Sierra Leone);

108.56 Raise the age of marriage to 18 for both boys and girls (Slovenia);

108.57 Raise the minimum age of marriage in the national legislation to align it with the definition of a child in the Convention on the Rights of the Child (Algeria);

108.58 Abolish child marriage by having a minimum age of marriage at 18 (Botswana);

108.59 Repeal the legislation that exempts spouses of minors from prosecution for sexual offences against their spouse (Norway);

108.60 Repeal the right of parents to use corporal punishment (Slovenia);

108.61 Prohibit corporal punishment of children at home and in schools (Honduras);

108.62 Take steps to decriminalise defamation (Ghana);

108.63 Design and implement the National Plan on Business and Human Rights in line with the United Nations Guiding Principles on the matter (Colombia);

108.64 Ensure comprehensive sexuality education, with a view to preventing teen pregnancies and the spread of sexually transmitted infections, in particular HIV (Slovenia);

108.65 Speed up the review of the draft Immigration policy (Nigeria);

108.66 **Take measures to enact relevant regulatory legislation to provide adequate attention to the migrant population and their human rights (Mexico);**

108.67 **Adopt national legislation that grants legal effect to the protection of refugees and the respect for the principle of non-refoulement in accordance with the relevant international instruments (Uruguay).**

109. **The recommendations below did not enjoy the support of Trinidad and Tobago**

109.1 **Withdraw the reservation to the first Optional Protocol to the International Covenant on Civil and Political Rights and ratify, without reservations, the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Panama);**

109.2 **Accede to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Chile);**

109.3 **Abolish the death penalty and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty(Uruguay);**

109.4 **Establish an official moratorium on executions and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, so as to bring the legislation into conformity with the de facto situation (Netherlands);**

109.5 **Establish a formal moratorium on the death penalty and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, with a view to abolishing death penalty both in practice and in law (Portugal);**

109.6 **Establish a formal moratorium on the death penalty with a view to ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Australia);**

109.7 **Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Montenegro);**

109.8 **Abolish by law the death penalty and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (France);**

109.9 **Take measures aimed at abolishing the death penalty (Paraguay);**

109.10 **Repeal the death penalty, as previously recommended (Canada);**

109.11 **Abolish the death penalty (Norway) (Honduras);**

109.12 **Consider taking steps towards the abolishment of death penalty (Mongolia);**

109.13 **Consider taking all necessary steps to introduce a de jure moratorium of capital executions with a view to fully abolish the death penalty (Italy);**

109.14 **Encourage an informed debate among the population on the topic of the death penalty and promote its de jure abolition (Switzerland);**

109.15 Initiate a national discourse about the death penalty and establish an official moratorium on executions with a view to abolishing the death penalty as called for by the General Assembly resolution 69/186 (Germany);

109.16 Establish an official moratorium on the death penalty, with a view to its full abolition (Slovenia);

109.17 Establish a de jure moratorium on the death penalty that could ultimately lead to its suppression from legislation (Spain);

109.18 Continue with the steps already taken on the right to life, liberty and security of the person and in particular to continue the moratorium on the death penalty and work towards eliminating it (Kenya);

109.19 Abolish the death penalty and declare an official moratorium on all executions as a well as repeal all provisions of national legislation that may provide for the death penalty (Costa Rica).

110. All conclusions and/or recommendations contained in the present report reflect the position of the submitting State(s) and/or the State under review. They should not be construed as endorsed by the Working Group as a whole.

Annex

Composition of tne delegation

The delegation of Trinidad and Tobago was headed by H.E. Eden Charles, Ambassador Extraordinary and Plenipotentiary Chargé d'Affaires a.i. and Deputy Permanent Representative Permanent Mission of the Republic of Trinidad and Tobago to the United Nations, New York and composed of the following members:

- Mrs Anesa Ali-Rodriguez, Chargé d'Affaires, a.i., Permanent Mission of the Republic of Trinidad and Tobago to the United Nations, Geneva
- Ms. Mariella Fonrose, Second Secretary, Permanent Mission of the Republic of Trinidad and Tobago to the United Nations, Geneva
- Mr. Ian Rampersad, Director, International Law and Human Rights Unit, Ministry of the Attorney General and Legal Affairs.